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(9:36 a.m.)

THE COURT: Good morning, be seated, please.

Government may call the case.

MS. MCGUINN: Yes, Your Honor. Good morning.

Assistant United States Attorney Colleen McGuinn on behalf of the Government calling United States of America v. Christopher Kenji Bendann. This is Criminal Case No. JKB-23-278. Your Honor, standing to my right is also Assistant United States Attorney Kim Hagan. Also with us is Special Agent Calista Walker. Behind us is Special Agent Rachel Corn. And we are here on behalf of the Government, Your Honor.

THE COURT: Good morning.

Counsel.

MR. NIETO: Yes, good morning, Your Honor. For the record, Christopher Nieto and Gary Proctor on behalf of Mr. Bendann who is standing between us.

THE COURT: Thank you. And the Defendant is present.

Any matters to address before we bring in the jury, Ms. McGuinn?

MS. MCGUINN: Not from the Government, Your Honor.

THE COURT: Mr. Nieto?

MR. NIETO: Your Honor, I don't know if we made it formally earlier in the jury deliberation [sic.] but we would make a motion for sequestration of the witnesses.

THE COURT: Very well. Witnesses will be sequestered

1 in this trial on the Defendant's motion. The motion is
2 granted. Anyone who expects to be a witness during the trial
3 of this case is forbidden from being in the courtroom during
4 the testimony of any other witness, and they must remain
5 outside of the courtroom until they have been formally excused
6 as a witness in this case. After they have been excused, then
7 they may be in the courtroom to hear the testimony of others.

8 Unless there's an objection from counsel, I generally
9 permit witnesses to be in the courtroom during openings.

10 Any issues in that regard?

11 **MR. NIETO:** No, Your Honor.

12 **MS. MCGUINN:** None from the Government, Your Honor.

13 **THE COURT:** Okay. So, practical point, Counsel. I
14 won't recognize your witnesses. So if they happen to come into
15 the courtroom it's going to be on the lawyers to identify them,
16 to bring that fact to my attention so we can get proceedings
17 stopped and advise the witness to step out. So, you do need to
18 periodically look over your shoulder, see who's in the
19 courtroom and make sure that we don't have a violation of the
20 sequestration order. But sequestration is in effect.

21 Any other matters?

22 **MR. NIETO:** No, Your Honor. Thank you.

23 **THE COURT:** Okay. Let's see, you have demonstrative
24 exhibits. You're going to use the PowerPoint during your
25 opening?

1 MS. MCGUINN: Yes, sir.

2 THE COURT: You've shown the slides to the --

3 MS. MCGUINN: Yes, I sent a PDF of them the other day.

4 THE COURT: And you received them?

5 MR. NIETO: Yes.

6 THE COURT: You, on the other hand, are going to make
7 an opening right after the government --

8 MR. NIETO: Yes, Your Honor.

9 THE COURT: But have no slides?

10 MR. NIETO: Correct, Your Honor.

11 THE COURT: Very good. It seems all is in order and
12 we're ready to proceed. Bring in the jury.

13 As a matter of formality, we don't stand for this group at
14 this moment because they haven't yet been sworn as a jury.
15 After they're sworn, of course we will stand every time that
16 they enter and exit the courtroom.

17 Please bring the prospective jurors into the courtroom.

18 (Prospective jurors enter at 9:40 a.m.)

19 THE COURT: Be seated, please. Good morning, ladies
20 and gentlemen.

21 (Prospective Jurors - "Good morning.")

22 THE COURT: Welcome to a different courtroom than the
23 one in which we were assembled on Wednesday and Thursday. As
24 you can see, this is a smaller courtroom environment but one
25 that I'm sure will serve our purposes very well in the coming

days as we proceed with this trial.

Thank you for arriving here this morning on time so that we can start our proceeding right on schedule. Your promptness is much appreciated. It's also very important to our being able to do our work efficiently and in a timely manner.

The first order of business this morning is for you to be sworn as the jury in this case. At this point, you have all been selected as prospective jurors to try the case, but you are not yet formally constituted as the jury in this case, that will change in just a moment when the courtroom deputy clerk administers the jury oath to you.

After taking the role, I think we'll be ready to administer that oath.

So if you would, please, all rise, and the clerk will address you.

THE CLERK: Members of the jury panel, as I call your juror number, will you please orally announce your presence.

Juror No. 1.

JUROR NO. 1: Here.

THE CLERK: Juror No. 2.

JUROR NO. 2: Here.

THE CLERK: Juror No. 3.

JUROR NO. 3: Here.

THE CLERK: Juror No. 5.

JUROR NO. 5: Here.

1 THE CLERK: Juror No. 6.

2 JUROR NO. 6: Here.

3 THE CLERK: Juror No. 7.

4 JUROR NO. 7: Here.

5 THE CLERK: Juror No. 8.

6 JUROR NO. 8: Here.

7 THE CLERK: Juror No. 9.

8 JUROR NO. 9: Here.

9 THE CLERK: Juror No. 10.

10 JUROR NO. 10: Here.

11 THE CLERK: Juror No. 11.

12 JURO NO. 11: Here.

13 THE CLERK: Juror No. 12.

14 JUROR NO. 12: Here.

15 THE CLERK: Alternate Juror No. 1.

16 ALTERNATE JUROR NO. 1: Here.

17 THE CLERK: Alternate Juror No. 2.

18 ALTERNATE JUROR NO. 2: Here.

19 THE CLERK: Alternate Juror No. 3.

20 ALTERNATE JUROR NO. 3: Here.

21 THE CLERK: Alternate Juror No. 4.

22 ALTERNATE JUROR NO. 4: Here.

23 THE COURT: All members of the jury accounted for.

24 (Jury sworn.)

25 THE CLERK: Thank you. You may be seated.

THE COURT: Jury sworn.

Once again, good morning, ladies and gentlemen. In this case, at the Government's request, a grand jury has charged the Defendant, Christopher Kenji Bendann with the commission of crimes.

The Defendant is charged with five counts of sexual exploitation of a child in violation of 18 United States Code § 2251(a); three counts of possession of child pornography in violation of 18 United States Code § 2252A(a)(5)(B); and one count of cyberstalking in violation of 18 United States Code § 2261A(2).

Ladies and gentlemen, the Defendant has pled not guilty to each charge, and thus he may not be convicted on any of these charges unless and until after a trial, you, the jury, unanimously find him guilty beyond a reasonable doubt on a particular charge.

The trial will proceed in the following way: Each party has the right to make an opening statement for the purpose of outlining for you what that party expects the evidence to show. The Government's lawyer will make the first opening statement, and then the defendant's lawyers may choose whether to make an immediate opening statement, to wait to make an opening statement later in the trial, or not to make an opening statement at all.

The Government will then present evidence after its case

has been presented through witnesses and exhibits. Then the Defendant will have an opportunity to present evidence if he wishes. He's not required to do so.

If the Defendant elects to present evidence, then the Government will be given an opportunity to present rebuttal evidence in reply.

Each witness is first examined by the party who calls the witness to testify and then by the opposing party; the opposing party is permitted to cross-examine the witness.

During the trial, the lawyers may make objections to the introduction of evidence, or they make motions concerning the law. Arguments in connection with objections or motions are usually made outside of the hearing of the jury, usually over the private channel mechanism that you saw me using when we were selecting the jury.

These questions are addressed outside your hearing because questions of law and admissibility of evidence do not involve the jury, they're decided by the judge.

It's the duty of a lawyer to make objections and motions that the lawyer believes are proper. You should not be influenced by the fact that a lawyer has made objections or by the number of objections that have been made. You should draw no conclusions from my rulings either as to the merits of the case or as to my views regarding any witness or the case itself.

1 After the conclusion of all of the evidence, the lawyers
2 will make their closing arguments. In their arguments, the
3 lawyers will point out to you what they contend the evidence
4 has shown and the conclusions that they would like you to draw
5 from the evidence.

6 The Government's lawyers will make the first closing
7 argument and then the Defendant's lawyers will make a closing
8 argument. After the Defendant's arguments, the Government will
9 have an opportunity to make a final argument in rebuttal to the
10 Defendant's arguments.

11 What the lawyers say in their opening statements, in their
12 closing arguments and in making objections or motions during
13 the trial is not evidence.

14 The reason the Government goes first in each instance and
15 the reason the Government is allowed rebuttal time in closing
16 argument is because the Government has the burden of proof.

17 After the conclusion of all of the evidence, I will
18 instruct you as to the law applicable to this case. You must
19 follow and apply the law as I will explain it to you.

20 Following my instructions, you will retire to the jury
21 room and begin your deliberations. It will then be your
22 function and responsibility to decide the facts.

23 You must base your findings only upon the testimony, the
24 exhibits received, the stipulations of the parties, and any
25 conclusions that may fairly be drawn from that evidence.

1 You may not conduct any independent research either by
2 using printed materials or electronic means such as the
3 internet, about the case, its general or specific subject
4 matter, or anyone connected to the case.

5 Do not visit the scene of any incident mentioned in the
6 testimony or seek advice from friends or acquaintances as to
7 any issues in this case or otherwise conduct investigation
8 outside the courtroom.

9 The reason for this is that you must decide the case only
10 on the evidence you have heard and seen in the courtroom and on
11 nothing else. To reiterate, ladies and gentlemen, it would be
12 a violation of your oath as jurors if during the trial you were
13 to, say, conduct a Google search concerning a person or subject
14 that is part of this trial. Please do not do it.

15 Similarly, it would be improper for you to use an
16 encyclopedia to learn about an issue before you or even to look
17 up in a dictionary a word that you hear in the courtroom. You
18 must decide the case on information presented to you here in
19 court and not based on information that you acquire elsewhere.

20 Similarly, if anyone should try to approach you or talk to
21 you about this case, or if any information about this case is
22 brought to your attention in any form, other than what you hear
23 in the courtroom, please do not discuss it with anyone,
24 including your fellow jurors. Rather, please write a note
25 regarding any such matter and give it to the courtroom deputy

clerk so that she may bring it to my attention promptly.

The following general principles are intended to assist you in judging the evidence and guide you in the performance of your duties as jurors during the course of the trial.

You are the sole judges of whether testimony should be believed. In making this decision, you may apply your own common sense and every day experiences. In determining whether a witness should be believed, you should carefully judge all of the testimony and evidence and the circumstances under which each witness has testified.

Among the factors you should consider are the following:
The witness's behavior on the stand and their way of testifying; the witness's opportunity to see or hear the things about which testimony was given; the accuracy of the witness's memory; whether the witness had a motive not to tell the truth; whether the witness has an interest in the outcome of the case; whether the witness's testimony was consistent; whether the witness's testimony was supported or contradicted by other evidence; and whether and the extent to which the witness's testimony in court differed from statements made by the witness on any previous occasion.

You need not believe any witness even though the testimony is uncontradicted. You may believe all, part, or none of the testimony of any witness.

You must consider and decide this case fairly and

1 impartially. You should not be prejudice for or against a
2 person because of that person's race, color, religion, age,
3 national or ethnic origin, political or social views, wealth or
4 poverty. You should not even consider such matters.

5 You should not conclude from any conduct or word of mine
6 that I favor one party or another; or that I believe or
7 disbelieve the testimony of any witness. You, not me, you are
8 the sole judges of the believability of witnesses and the
9 weight of the evidence. You must not be influenced to favor or
10 oppose any person or party by my conduct during the course of
11 the trial. I am neutral.

12 So this case will take approximately 10 days, perhaps two
13 weeks in total, to try. It's impossible to predict with
14 precision how long a trial is going to last.

15 During that time, there will be recesses and adjournments
16 of court when you will be excused from this point forward until
17 the case is over and you have rendered your verdict, you may
18 not discuss the case with anyone who is not on the jury. You
19 may not discuss the case even with each other during the trial.
20 You must wait until after you've heard all of the evidence, the
21 closing arguments, and my instructions as to the law.

22 You may not expose yourself to any news articles or
23 reports that touch upon this case or issues it presents or
24 involving any of the participants in the case. In fairness to
25 the parties in the case, ladies and gentlemen, you should keep

1 an open mind throughout the trial. You should reach your final
2 conclusions only during your deliberations after having heard
3 all of the evidence, my instructions, and the lawyers' closing
4 arguments.

5 Until the trial is over, you must avoid all contact of any
6 kind with any of the participants in the trial, except for
7 common courtesy such as the exchange of greetings. Your
8 avoidance must include the parties, the lawyers, the witnesses,
9 and any persons with whom you see in close contact with any of
10 those persons.

11 Please, remember, you must not use the internet or any
12 device to communicate with anyone about the trial while you are
13 serving as jurors. During recesses, when you are outside of
14 the courtroom, you may turn on your cell phone or other device
15 and contact family members or others about matters that have no
16 relation to the trial. So when you're in the jury room during
17 your breaks, it's perfectly fine to turn on your phone, to read
18 your messages, to communicate with others. Just not about the
19 case.

20 While we're in the courtroom, however, all electronic
21 devices must be turned off, not merely placed in silent or
22 vibrate mode, but actually turned off. All such devices must
23 also be turned off and may not be used while the jury is
24 deliberating upon its verdict.

25 Now, if anyone needed to deliver an urgent message to you

1 while we are in the courtroom, that person may do so by
2 contacting my chambers, which is right behind this wall, and
3 which is staffed the entire time that we are underway. If you
4 want to take out a pen and piece of paper, I will give you now
5 the telephone number that you can share with loved ones or
6 others that might need to contact you in the event of an
7 emergency. And all that person need do is call that telephone
8 number, they will immediately reach my judicial assistant, and
9 my assistant will then bring a note into the courtroom to the
10 courtroom deputy clerk and alert me that one of the jurors has
11 an emergency message. We'll take a recess and inquire into
12 what is transpiring.

13 So I know in modern times where we're accustomed to having
14 instant communication with our children, our parents and
15 others. It can be a little unnerving to not have a means of
16 contact, except during recesses. The way we get around that is
17 by sharing this telephone number and anyone who might need to
18 reach you urgently, for instance, a spouse or close loved one,
19 has this at their disposal and they can call. The telephone
20 number is (410)962-0950. That's (410)962-0950.

21 These restrictions on your use of electronic devices in
22 court are necessary to ensure a fair trial. Notebooks have
23 been provided to you to take notes. You're not required or
24 even expected to take notes. The taking of notes is allowed
25 for those who would find it helpful to do so. But it's

important not to become so intent upon your notetaking that you miss other testimony from the witness stand. Some persons are very skilled at taking notes at the same time that they're listening. If you're one of those people then sure, that's helpful to you, feel free. But if it's not something you're accustomed to doing, and if taking notes is likely to cause your mind to be pulled away from what is otherwise happening in the court at that moment, then I would caution you about doing that. You might say, well, it's several days of trial, how am I going to remember everything? That's one of the reasons why we have 12 jurors, 12 memories, 12 sets of ears, 12 sets of eyes. And in the deliberation process you'll have the opportunity to refresh each other's memories about things. So notetaking is definitely permitted but is absolutely not required.

At recesses in the proceedings and at the end of the court's proceedings each day, please close your notebook, place it in the folder, the Redweld that we've provided to you, and then leave that Redweld folder right there on your chair right here in the jury box, right in the courtroom.

Okay, I believe we're ready to begin. We'll hear from the Government first. Who will be delivering the Government's opening statement?

MS. MCGUINN: Your Honor, I will.

THE COURT: Ms. McGuinn, you may proceed.

1 MS. MCGUINN: Thank you, Your Honor. Just a moment,
2 Your Honor, I apologize. Sorry about that.

3 Good morning. I don't know if all of you felt what I felt
4 this morning. There's a little of the chill in the air, which
5 is appropriate because it's back-to-school time. Most of the
6 children in the area are going back to school come Monday or in
7 the week or so that follows which always makes me think of the
8 importance of our teachers.

9 As you sit here, and I say the words "importance of
10 teachers," a favorite teacher of yours may pop into your brain.
11 For me, it's Mr. Wagner, 11th grade, U.S. history.

12 There are a lot of sayings about the importance of
13 teachers, "If you can read this, thank a teacher."

14 What the teacher is is more important than what he
15 teaches. A teacher affects eternity. He can never know where
16 his influence ends.

17 ████████████████████, known as ██████ to his family and friends,
18 will be forever affected and influenced by his eighth grade
19 teacher, Christopher Kenji Bendann, because the Defendant
20 sexually exploited him creating sexually explicit images of
21 ██████ when he was just a minor, breaking that profound trust
22 that we have in teachers, and he did this multiple times over
23 years.

24 And then when ██████ entered young adulthood, the Defendant
25 extorted him using those same instances of exploitation as a

1 tool to keep his tentacles wrapped around this young man's
2 life, holding him captive, in a sense. And when [REDACTED] tried to
3 block him on social media, ignore his text messages to no
4 longer comply with the demands to send explicit images, to no
5 longer comply with coercive behavior, the Defendant threatened
6 him with exposure.

7 Ladies and gentlemen of the jury, as the judge introduced
8 it to you earlier, this is the United States of America v.
9 Christopher Kenji Bendann. And I, along with my co-counsel,
10 Kim Hagan; FBI Special Agent Calista walker; FBI Special Agent
11 Rachel Corn; as well as Ms. Julie Jarman, who is our legal
12 assistant, we will be presenting the evidence to you to prove
13 the charges in this case.

14 Before I tell you more about what we expected the evidence
15 to show you, I want to tell you a little bit about what child
16 pornography is and what it isn't, sort of forewarn you about
17 what you can expect. It is not children in provocative
18 clothing, children in provocative poses, kiddy porn. It is
19 graphic. It's difficult to see. It's difficult to talk about.

20 You will hear from Judge Bredar at the end of all of this
21 the legal instruction as to what child pornography is but, in
22 essence, it's minors and children engaging in sexually explicit
23 conduct. In this case, we're talking about masturbation of
24 self or by the hands of the Defendant. And we're talking about
25 images of male genitalia. It's tough. It's difficult. And it

1 can be disturbing. But you will listen to this evidence and
2 you will see these images and you will view the videos and you
3 will evaluate all of this evidence dispassionately, not based
4 on your emotions because that's what you've sworn to do here.

5 You will use the facts, logic, and your common sense when
6 it comes to evaluating all of the evidence that will be shown
7 to you. But you do need to see it. We need to show it to you.
8 You need to see the background behind the sexually explicit
9 conduct. What's happening? What bathroom is this taking place
10 in? Whose house is that? Whose car is that? What is [REDACTED]
11 wearing; also known as minor victim per the indictment for his
12 privacy.

13 You will see the Defendant's face, whether it's eerily
14 reflected in a shower door or on the screen itself as he
15 touches the minor victim. You need to hear his voice and you
16 need to hear minor victim's voice. You need to see what is
17 necessary, nothing more.

18 You will also be seeing some explicit videos of the minor
19 victim as a young adult. This is part of the extortion of the
20 cyberstalking charge that His Honor mentioned earlier. Again,
21 you will see enough for you to understand the emotional
22 distress that this young man was under. What was placed on
23 [REDACTED] and the continued cyberstalking of him into his young
24 adulthood. It's necessary so that you understand what
25 happened.

1 You will apply the facts in evidence and common sense and
2 you will fair and impartial because that's what you've sworn to
3 do.

4 I'd like to tell you a little bit more about what you can
5 expect to hear about over the next several tays. Minor victim,
6 [REDACTED], attended the Gilman School, which is a private school
7 located inside of the Baltimore City limits. It's an all-boys
8 school. And he began there in first grade. He was one of the
9 youngest in his first grade class. And after he attended grade
10 school, he went on to middle school.

11 And at the end of seventh grade you'll learn that he
12 faltered. You'll hear some talk about ADHD. You'll hear some
13 talk about just his plain maturity as a young boy. And the
14 decision was made that he would repeat seventh grade but not at
15 Gilman, that he would go to a different school and repeat
16 seventh grade there. And then he would come back starting in
17 eighth grade at Gilman to complete his middle school years. He
18 would be what's called re-classed with the kids who had
19 previously been a year younger than him. It was going to be a
20 challenge.

21 Your friends are now a grade ahead of you. They're in a
22 different building than you. They're playing JV sports, you're
23 not. They're attending high-school-related social activities,
24 he was not. Not seeing them every day. It was going to be a
25 challenge blending now in with kids who are a school-year

1 younger who had been there already, saw you leave, saw you come
2 back. That stigma that could be there as to where did he go
3 and why did he come back.

4 But the biggest challenge of all, ladies and gentlemen,
5 that you will hear about, the one that would prove to be the
6 most painful and difficult and long-lasting would be the
7 exploitation that he endured at the hands of his own teacher
8 and his trusted advisor, Christopher Kenji Bendann.

9 You see, a person doesn't just wake up one day and become
10 a victim of exploitation. It doesn't work that way. It takes
11 some time. It takes planning. It takes the normalizing of
12 certain behaviors so that those behaviors could then escalate
13 to even worse behaviors.

14 Comments over tests, as you can see in the top. "I'm sad
15 that you weren't here." Making minor victim feel important.

16 The bottom, "Because we're best friends." Mind you, this
17 is a 32-year-old man speaking to a 15-year-old boy. "You're my
18 best friend" or "We're best friends."

19 Normalizing charged behavior or innuendo: "Okay. What if
20 we come now and Spooner" -- who is one of his friends -- "just
21 meets you in the shower."

22 Again, mind you, a 32-year-old man speaking to a
23 15-year-old boy via text. Normalizing this innuendo. Which
24 then evolves to naked running, naked laps. You'll hear about
25 this.

1 Minor victim and his friends would run through the night
2 without their clothes on at a nearby park called Meadow Wood or
3 St. Paul School, which is another private school nearby. It
4 sounds like horseplay until you understand that it was their
5 teacher who drove them there, who made the idea possible, who
6 watched these boys, including minor victim, as they ran around
7 naked while they just recently had been his students. And in
8 one case records the running of minor victim running naked or
9 running a naked lap and saves it onto his laptop.

10 That horseplay behavior then evolves to: "You owe me,
11 'Minor Victim,' look at everything I've done for you. I've
12 driven you around. I pick you up from places. I take you to
13 practice. I buy you food." McDonald's or McDanks, as they
14 call it. "Just masturbate yourself in front of me." "How about
15 this, let me film you while you masturbate in front of me?"
16 Or, "How about this, let's do more than that or I'm going to
17 tell your friends about it, let me touch you, let me masturbate
18 you in the shower."

19 Let's normalize all of this behavior for you but not as
20 equals, as an adult and as a trusted person and the other
21 person is a child.

22 And you will hear that even as that child, minor victim,
23 becomes older and becomes a young adult, you'll hear that he
24 starts to question these behaviors. He starts to resist them.
25 But even as he leaves home and goes away to college and for the

1 first time moves away, the Defendant's influence didn't end
2 there because you will hear that he continued to exploit him.
3 That influence, not as a teacher but as his exploiter,
4 continued.

5 These are a sample of texts from 2022 that you will expect
6 to hear, at this point minor victim is 21 years old: "So you
7 know what you're doing is absolute fucking bullshit." It's a
8 total change in tone from what you just saw before. And we
9 expect to show you more of that.

10 He continued to threaten, harass, humiliate, extort and
11 cyberstalk minor victim, almost daily. He knew where he was
12 all the time. We'll hear he knew the name of his girlfriend in
13 college, his best friend in college. He knew where he was. He
14 had geolocation on him on his iPhone and through SnapChat.

15 He even credited a fake Instagram page called [REDACTED],
16 which my brain always reads as "F [REDACTED]."

17 He created a fake it Instagram page putting these explicit
18 images on it and threatening, I can make this public for people
19 to see. And I expect you will see what that page looks like.
20 He would make it temporary public. "Fuck you, you're public,"
21 says that text.

22 Bringing and threatening minor victim to absolute
23 submission. "I will literally do anything" -- no fighting it
24 -- "if you can just wait." "Fuck boy. Answer. Fucking answer
25 my text."

1 In addition to the text messages and the child pornography
2 that you will see, you will also be seeing some of the digital
3 forensics in this case. So you'll be seeing some images and
4 videos. You'll hear about the digital forensics in this case,
5 where these images were found, what devices were used to create
6 them, how we know those devices belonged to the defendant,
7 where they were stored, on his iCloud account and on the
8 devices that were seized.

9 You'll hear about these text messages. You'll see some
10 records, and you will have testimony from law enforcement who
11 were present during a search warrant when those devices were
12 taken from the Defendant's home. You will hear from [REDACTED]'s
13 family, his girlfriend and his friends, all of whom were there
14 having no idea the mental and emotional torment [REDACTED] was under
15 and was enduring. But they have a piece of the puzzle,
16 nonetheless.

17 Now I'd like to tell you a little bit more about the
18 criminal charges in this case. Judge Bedar just highlighted
19 them for you. There are three types of crimes: The first is
20 sexual exploitation of children. There are five counts of
21 this. One occurring on September 16th of 2017; June 21st of
22 2018; August 26 of 2018; January 2nd of 2019; and February 9th
23 of 2019. All while minor victim was under the age of 18.

24 Sexual exploitation of a child. Again, Judge Bedar will
25 give you the formal instructions but these are the elements

1 that you can listen for as you hear the evidence in the
2 testimony. It's using a minor, a person under 18, to engage in
3 sexually explicit conduct for the purpose of producing a visual
4 depiction, an image or a movie, in interstate and foreign
5 commerce. Again, you'll hear more about that last one using
6 something like an iPhone, that's manufactured outside of the
7 United States, or outside of the state of Maryland, or using
8 the internet. That's what we're talking about for there.

9 Three counts of possession of child pornography. Knowing
10 possession of a visual depiction, the visual depiction itself
11 is child pornography. Again, you'll be instructed as to
12 specifically what that is. Again, in interstate and foreign
13 commerce. The three counts include his Apple iCloud, his Dell
14 laptop and his Sony laptop.

15 Lastly, cyberstalking with intent to harass and
16 intimidate. Uses an interactive electronic communication
17 services of interstate commerce to engage in a course of
18 conduct that causes, attempts to cause, or reasonably would be
19 expected to cause substantial emotional distress. And there is
20 one count of that and that occurred when minor victim was now
21 an adult, a 21 year old in the spring/summer of 2022.

22 The influence of [REDACTED]'s teacher, Christopher Kenji
23 Bendann, extended beyond middle school, beyond high school and
24 into his young adulthood. It shaped him in the opposite ways
25 that we would expect a teacher to shape a student. That

1 influence was sexually exploitive, it was coercive, and
2 emotionally distressing. And after evaluating all of the
3 evidence in this case we will come back here and we will ask
4 you to see this pattern of conduct clearly for what it is, and
5 we will ask that you find the Defendant guilty of all charges.

6 Thank you.

7 **THE COURT:** Thank you, Ms. McGuinn. Now, ladies and
8 gentlemen, as will happen from time to time during the trial we
9 are going to take a very short recess. During this recess, do
10 not discuss the case with anyone. Do not discuss it among
11 yourselves. Do not allow yourselves to be exposed to any news
12 articles or reports that touch upon the case or the issues it
13 presents, or any articles or reports that might relate to the
14 participants in the case. Avoid all contacts with any of the
15 participants in the trial. Do not make any independent
16 investigation of the law or the facts of the case. Do not look
17 up anything on the internet. Do not consult an encyclopedia
18 or a dictionary.

19 Under the law of our land, I'm required to give you that
20 admonition literally every time you leave the courtroom. In
21 the matter of a day or two you'll be able to repeat it back to
22 me, but that's on purpose. These are important instructions.

23 We follow a certain protocol when the jury enters and
24 leaves the courtroom. When the jury is excused, all the jurors
25 rise. The back row files out first, which means that Alternate

Juror No. 4 leads the group out. As soon as the back row has drained into the jury room, then Juror No. 8 leads the front row out.

When it's time for you to take your places because we're ready to resume proceedings, you line up in order, which was apparent when you came in a few minutes ago. The first row comes in, you remain standing, the second row files in behind. Once everyone is standing and in place, we will ask you to be seated.

One thing you will notice, ladies and gentlemen, you're now a sworn jury. Out of respect for the role in the jury process, everyone stands when you exit or enter the courtroom, including the judge.

Please take the jury out.

Recess. Ten minutes.

(Jury exits at 10:19 a.m.)

THE CLERK: All rise. This Honorable Court now stands in recess.

THE COURT: Mr. Nieto, you will be delivering an opening?

MR. NIETO: Yes, Your Honor.

THE COURT: Take a few minutes and get yourself organized. And we will resume. Ten minutes.

(There was a break at 10:20 a.m. to 10:54 a.m.)

THE COURT: Be seated, please. That was intended to

1 be a brief recess but during the recess it was discovered that
2 we had an IT glitch. All of you have been in here, I have not
3 been, but I'm told that the technicians have been working hard
4 and believe they have now resolved it. We do have an
5 alternative plan ready to execute, which would have us move to
6 a different courtroom. But with this fix we're going to try to
7 stay here and move ahead. I apologize for the delay and the
8 difficulties that we're having with our technology, but we seem
9 to be ready to go now.

10 Is the technology apparently working?

11 **THE CLERK:** It is, Judge.

12 **THE COURT:** Counsel, have you had a chance to sort of
13 check it out, make sure we're good?

14 **MS. MCGUINN:** Yes.

15 **MR. PROCTOR:** Yes, Your Honor.

16 **THE COURT:** Okay, Mr. Proctor.

17 Are we ready for the jury?

18 **MS. MCGUINN:** Yes, Your Honor.

19 **MR. NIETO:** Yes, Your Honor.

20 **THE COURT:** Bring the jury in.

21 **THE CLERK:** All rise for the jury.

22 (Jury enters at 10:55 a.m.)

23 **THE COURT:** Be seated, please. My apologies for the
24 delay, ladies and gentlemen. We had an IT glitch. We think we
25 have solved it. We're now ready to continue.

1 Mr. Nieto, on behalf of the Defendant do you wish to make
2 an opening statement?

3 MR. NIETO: Yes, Your Honor.

4 THE COURT: You may proceed.

5 MR. NIETO: Good morning, ladies and gentlemen. As
6 the judge has indicated, my name is Christopher Nieto along
7 with my cocounsel, Gary Proctor. We both represent Christopher
8 Bendann in this case.

9 Now, we sat there just like all of you and listened to
10 what Ms. McGuinn had to say in her opening. To be candid, if
11 that were it, right, if that's what this case was about, if
12 that truly encapsulated what was going on here, ladies and
13 gentlemen, we wouldn't be here. We wouldn't need to be here.
14 But we are here. And the reason why we're here is because
15 Mr. Bendann is not guilty of sexual exploitation of a minor or
16 possession of child pornography.

17 Now, to be clear, to be clear, there is one charge that is
18 not in dispute and that is the cyberstalking offense.
19 Absolutely, 100 percent, we accept responsibility for that
20 offense. There is no disagreement on that charge.

21 Indeed, by all accounts, this adult relationship was
22 toxic. We see that now.

23 Mr. Bendann's conduct of course was not only
24 embarrassingly regrettable, but it was against the law. All
25 right. And that is what this case is about.

1 Now, as the evidence will show, Mr. Bendann did not have a
2 lot of experience with romantic relationships. In fact, this
3 was one of his first. This relationship that he had with [REDACTED]
4 [REDACTED], it was a development, an evolution of a friendship
5 that had started years before. That started when [REDACTED]
6 was a student at the Gilman School.

7 Now, important to note, as the Government had said in
8 their opening, [REDACTED] was -- repeated a grade or held back
9 a grade in middle school. So he was a year older than everyone
10 else in his class. That means that he was 19 years old by the
11 time he graduated, and he had been over the age of 18 for over
12 a year by the time he received his diploma, approximately 18
13 months before we went away for college.

14 When this friendship evolved into a romantic relationship,
15 [REDACTED] was over the age of 18.

16 For goodness sake, you're going to hear through the
17 testimony that Mr. Bendann had rules with regards to his
18 students. He would not, for example, become social media
19 friends with them while they were his students. It was only
20 until they went into high school. Certainly, he was not going
21 to engage in illegal or an illicit relationship with a minor.

22 Now, the evidence is going to show that Mr. Bendann was
23 passionate about [REDACTED]. His feelings for him were
24 strong. And Mr. Bendann struggled with the novelty of those
25 feelings. After about 18 months or so of being together on and

off, he did and said things that he deeply regrets. His feelings, obviously, got the better of him.

Now, with time and distance we've been able to recalibrate, he acknowledges that, but the evidence is going to show that at the time he was just concerned about being, for lack of better phrase, left mind.

Accordingly, it was incredibly important to him that [REDACTED] remain in contact with him, almost on a daily basis, to remain a part of his life, to share these collegiate experiences that he was going for, and also in hopes of making this relationship continue to work.

They had obviously known each other for years before we had gotten to this evolved point, and it wasn't easy for him to just let it go.

But obviously, his actions did not work. They cannot work. They could not work. And they never would work because you cannot sustain any type of relationship that way. Much less one that was as marginalized as this.

So now here we are.

Now, throughout this trial you're going to hear a lot about the Gilman School here in Baltimore and that's because Mr. Bendann was employed there as a middle school teacher. The Gilman School by all accounts is an illustrious, expensive, all-boys, private school, almost a world onto itself. Affluent families from the area and throughout the state will pay top

1 dollar for their children to receive individualized attention
2 and care, much more so than you would see at a normal public
3 school. There are generations within a family, generations of
4 men that pass through those doors. And you're going to hear
5 from witnesses who are going to talk about their patients and
6 grandparents who attended the same school.

7 Indeed, Mr. Bendann himself was also a Gilman graduate.
8 His adoptive father was a teacher there, and he was a graduate
9 of Gilman as well.

10 Obviously, with that type of institution there are a lot
11 of benefits, but, as I'm sure you can also imagine, there can
12 be some peculiarity. The evidence is going to show that this
13 was and is an insular community practically with this little
14 subsociety amongst itself. To people outside of that bubble,
15 you may consider certain things odd or strange, but within that
16 echo system, completely normal, even expected or appreciated
17 within this community.

18 So, for example, you're going to hear from a variety of
19 graduates who, for whatever reasons, thought it was hysterical
20 to post pictures of each other naked. To take pictures of each
21 other naked and post those on Snapchat or send them back and
22 forth to each other. Just a bunch of guys taking pictures of
23 each other naked for laughs. That may seem odd to people
24 outside of that bubble, such as all of you, but it wasn't to
25 them.

1 Respectfully, we caution you to view things with that
2 understanding because through that prism it's going to give you
3 some additional clarity as you hear and see the evidence
4 throughout this case.

5 Now, as I said earlier, Mr. Bendann is a Gilman graduate.
6 His father was a teacher there. And he returned after college
7 to teach at the middle school. With the exception of those
8 four years away in college, his entire life had entered around
9 Gilman.

10 And as the evidence will show, during his tenure there he
11 was widely regarded as one of the best teachers that that
12 school had to offer. He was involved as a teacher. He was a
13 mentor. He led retreats. He offered a warm and receptive ear
14 to any student that had any questions or concerns.

15 As a gay man, he was involved in the cultivation of the
16 LGBTQ+ awareness at an all-boys school, something that was
17 seriously lacking when he was a student there and arguably even
18 now. His whole life centered around Gilman and being the best
19 teacher that he could be because he believed in the
20 institution, the creation of young men that will move on in
21 life and do great things. That is that educational edict at
22 that school.

23 Now, as a teacher, he didn't make much money. He doesn't
24 own a million-dollar house in Baltimore County. So as a way to
25 supplement this relatively low salary, he would house-sit and

babysit for families within that community. Word got around that he was great at this. And families, whether they were jet-setting around the world or traveling for weekends to see their son's athletic events in college, they sought out his services. He provided this important, integral function for the Gilman community. He was instrumental in caring for these students, and he did it well.

As an involved teacher, he became friendly and close with various sort of social groups, cliques, if you will. Again, at Gilman this is not unusual. It's not unheard of. In fact, it was encouraged by teachers and parents alike. They would email, constantly communicate: My son need this. Can you do this? Can you go above and beyond?

Every time, Mr. Bendann answered that call.

That's one of the reasons why the families pay as much as they spend to send their sons to this school. Mr. Bendann was a mentor to hundreds of students throughout the years.

As the evidence will show, when the students matriculated to high school, he remained in their lives not as a teacher but as a Gilman alum. He would take them out for wing night. He would go to the movies. He would drive around a car full of Gilman students, some non-Gilman student friends. Sometimes their female friends from either associated school or not. He would do that regularly.

As to be expected of course, as a teacher, he appreciated

1 watching and being able to see the growth of his students as
2 they continued to move on. He remained in their lives as an
3 extension of this school and community and in an attempt to be
4 their friends.

5 You will see, Mr. Bendann kept these notebooks from these
6 retreats, another Gilman experience that he was proud to help
7 Foster. And in those notebooks they're just filled with the
8 most wonderful and kind, sincere thoughts from these students,
9 appreciating exactly who Mr. Bendann is.

10 Now, being friends, if you will, with high school boys can
11 be a challenge, even more so in this particular social group
12 where we have the majority of them are varsity lacrosse players
13 for this school. As you all presumably know as Marylanders,
14 Maryland is a big LAX state and the Gilman is no stranger to
15 the lacrosse system. They follow their graduates from D3 all
16 the way to D1 college programs throughout the country.

17 You're going to hear from a variety of them throughout
18 this trial, all of whom play college lacrosse, all of whom
19 played lacrosse together at Gilman. They consider themselves a
20 brotherhood, a second select of young man, right, where telling
21 people "I'm a Gilman LAX man" is as much about the status as it
22 is about the athletics. As I'm sure you can all imagine, and
23 the evidence will show, these young men spend their time
24 lifting weights, chasing girls, and partying.

25 As I'm sure you can also imagine, as the evidence will

1 show, there can be a pervasive locker room mentality that can
2 associate itself with situations like that. Circumstances in
3 which crude language, inappropriate slurs and slang are thrown
4 around the locker room or text threads as if it is wholly
5 acceptable. Again, contrary to the edicts of the Gilman
6 School. Ladies and gentlemen, as the evidence is going to
7 show, that played a huge part in how this situation developed.

8 Now, to be sure, Mr. Bendann is not affiliated with the
9 lacrosse program or the interests or opinions that you're going
10 to hear about that they were espousing. Indeed, his continued
11 involvement with this specific group of young men was to
12 partially help offset that alpha male, testosterone-fueled
13 interactions with a bit more of a softer approach. If you
14 will, a yin that yang.

15 So how can one do that?

16 Well, when you house-sit, you take them out for group
17 breakfast, you take them out for wing night, you spend time
18 with them, you encourage them to do better, you tell them to
19 treat people kindly, you correct them when they use offensive
20 and derogatory language.

21 We all know that kids will do and say stupid things, and
22 as the evidence will show he provided counsel and support as
23 they tried to navigate through. But he was never one of them.
24 No matter how much he cared for them, no matter how much he
25 looked after them, no matter how much he thought he was part of

their friends, to them he was never one of them. Right.

He's just the guy that they could call when they were drunk and needed someone to pick them up at 1:30 in the morning. He's the guy, "Oh, he's house-sitting at this house, we can go over there and we'll just drink" because, again, he's just Bendann.

When [REDACTED]'s girlfriend found about the sexual relationship that he had with Mr. Bendann in the summer of 2022, [REDACTED] panicked. The evidence will show that he was dishonest about the nature of their relationship. He misrepresented how it began.

Consequently, the entire Gilman community turned against Christopher Bendann. They've circled their wagons, they are protecting their own, and they are ostracizing him. That is why we are here.

Before I conclude, there are three things that I would be remiss if I didn't discuss very, very briefly with you. Judge Bredar already addressed it. But, firstly, in all criminal cases the Defendant Mr. Bendann is presumed to be innocent of absolutely all charges. These opening statements, it's just a roadmap for how we vision the evidence in this case shaking out.

Secondly, the burden of proof rests wholly on the shoulders of the Government to establish that Mr. Bendann is in fact guilty. They are required to call forth witnesses who are

1 going to sit in that stand and testify as to how he allegedly
2 broke the law. That is because it is their burden.

3 Interestingly, as a bit of trivia for you, as it is in all
4 criminal cases the party with the burden sits closest to the
5 jury box. That is a physical manifestation, a reminder of what
6 that burden entails. That's why I'm only going to get an
7 opportunity to speak with all of you one more time at the close
8 of the case. The Government will get to go twice. They will
9 go first, I will respond, and then they will respond to me.

10 But with regards to the evidence in this case, you're not
11 going to see anything akin to DNA or some sort of other
12 infallible-type proof. That is important because standard of
13 proof here is beyond a reasonable doubt.

14 As Ms. McGuinn suggested, as I'm sure you are all aware,
15 subject matter at the heart of this case can be uncomfortable
16 to many, if not most. There can be an inclination that just
17 based on the subject matter that that can help cloud your
18 vision and your judgment when you listen to the evidence. I'm
19 just asking you to follow the judge's instructions, please
20 don't do that. You must observe the witnesses and listen to
21 their testimony as well as the cross-examination and make
22 independent decisions about what you hear.

23 I appreciate your time in allowing me to talk to you
24 obviously. I will talk to you again at the conclusion of the
25 case. They are required, that is the Government, to prove

these allegations beyond a reasonable doubt. As the evidence will show, the only verdict appropriate for the sexual exploitation of a minor or the possession of child pornography is not guilty.

Thank you all.

THE COURT: Thank you, Mr. Nieto.

Is the Government prepared to call their first witness?

MS. MCGUINN: Yes, Your Honor.

THE COURT: Who will it be?

MS. MCGUINN: The Government will first call [REDACTED]
[REDACTED].

THE COURT: [REDACTED]. Please come forward, ma'am. When you reach the witness stand, stop there, turn to face our clerk, raise your right hand.

(Witness sworn.)

THE CLERK: Thank you. You may take a seat in the witness stand.

For the record, ma'am, speaking directly into that microphone right next to you, could you please state and spell your first and last name.

THE WITNESS: Sure. [REDACTED]. [REDACTED], [REDACTED]
[REDACTED].

THE CLERK: Thank you.

THE COURT: It might assist you if you make sure the chair is all the right, which will position you right in front

of the microphone.

THE WITNESS: Thank you.

THE COURT: That's it. And if you could, keep your face close to the mic while testifying.

THE WITNESS: Okay. Perfect.

THE COURT: Your witness, ma'am.

MS. MCGUINN: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. MCGUINN:

Q. Good morning, [REDACTED]. How old are you?

A. I am 58 years old.

Q. Are you married?

A. I am.

Q. Do you have any children?

A. We have three.

Q. What's your husband's name?

A. [REDACTED]?

Q. And what are your children's names?

A. [REDACTED] is the oldest, [REDACTED] and [REDACTED].

Q. And what is [REDACTED] age?

A. [REDACTED] is 28.

Q. And [REDACTED]?

A. Is 25.

Q. And [REDACTED]?

A. Is 23.

1 Q. And [REDACTED], is that your son?

2 A. Yes.

3 Q. And does he have a full, formal name?

4 A. He does.

5 Q. What is that?

6 A. [REDACTED].

7 Q. Is [REDACTED] a family name?

8 A. It is.

9 Q. Do you all call him that? Do you call him [REDACTED], not
10 [REDACTED]?

11 A. We do.

12 Q. What is [REDACTED]'s date of birth?

13 A. March 20th, 2001.

14 Q. [REDACTED] is the minor victim in this case as charged in the
15 indictment; is that correct?

16 A. Yes.

17 Q. So if I say "minor victim" or "[REDACTED]," you'll understand
18 who I'm talking about?

19 A. Yes.

20 Q. And where did [REDACTED] attend kindergarten?

21 A. The Good Shepherd School.

22 Q. After kindergarten, did [REDACTED] begin grade school?

23 A. He did.

24 Q. Where was that?

25 A. That was at Gilman, the Gilman School.

1 Q. And the Gilman School, do you happen to know the address?

2 A. 5407 Roland Avenue.

3 Q. And what city and state?

4 A. Baltimore City, Maryland 21210.

5 Q. Thank you. At the time that he began to attend Gilman,
6 was there a kindergarten at Gilman?

7 A. There was not.

8 Q. Was there something called pre-first?

9 A. Yes, there was.

10 Q. Can you explain what pre-first is?

11 A. Sure. It's a developmental year for in this case boys who
12 were not ready for first grade, whether it be for academic,
13 emotional, social reasons. And so it was really -- we called
14 it the gift of time for these boys to develop. And so most --
15 I don't want to say most -- but many of our boys that go
16 through Gilman do experience a pre-first year.

17 Q. And I'm going to jump the gun a little bit --

18 A. Sure.

19 Q. -- you said "our boys." Did you ever work at Gilman?

20 A. I'm sorry, yes, I did.

21 Q. Okay. So when you say that it's because of your
22 employment at Gilman?

23 A. Yes.

24 Q. Okay. We'll get back to that.

25 A. Sorry.

1 Q. That's okay. I just want to get back to that.

2 As far as Gilman is concerned, what type of school is
3 that?

4 A. It is an all boys, independent school.

5 Q. Private school?

6 A. Yes.

7 Q. That you and your husband pay tuition for your son to have
8 attended there?

9 A. Yes.

10 Q. And are you aware of the school having three divisions?

11 A. Yes.

12 Q. And what are those?

13 A. The Lower School which is pre-first, now pre-K through
14 fifth grade. And then middle school is grade sixth through
15 eighth. And Upper School is nine through 12.

16 Q. Where does your husband work?

17 A. At the Gilman School.

18 Q. What does your husband do at the Gilman School?

19 A. He is the director of finance.

20 Q. After minor victim finished grade school, did he attend
21 middle school at Gilman graduate as well?

22 A. He did.

23 Q. And you said it, but I believe middle school at Gilman is
24 sixth, seventh, and eighth grade?

25 A. Yes.

1 Q. And did there come a time during those years that you too
2 began to work at Gilman as you sort of said before?

3 A. Yes.

4 Q. And do you recall what year that was that you may have
5 started there?

6 A. Yes. So I began my tenure at Gilman in 2011. So the
7 victim would have been in fifth grade.

8 Q. Okay. What was your job at Gilman?

9 A. I worked in the admissions office.

10 Q. Can you describe just a little bit of what that means when
11 you worked at the admissions office?

12 A. Sure. So our office was responsible for recruiting young
13 boys, well, now pre-K through 12, to come to Gilman.

14 Q. Okay. And when your son began middle school, you were
15 working there at the time?

16 A. I was, yes.

17 Q. Did you come to know a person by the name of Christopher
18 Bendann?

19 A. I did.

20 Q. Do you see him in the courtroom today?

21 A. I do.

22 Q. If you could just indicate or point to where he's sitting.
23 If the record can reflect that the witness has identified
24 the Defendant?

25 THE COURT: Without objection?

1 **MR. NIETO:** Correct, Your Honor.

2 **THE COURT:** The record will reflect that the witness
3 has identified the Defendant. You may continue.

4 **MS. MCGUINN:** Thank you, Your Honor.

5 **BY MS. MCGUINN:**

6 **Q.** Did you have a working relationship with the Defendant?

7 **A.** I did.

8 **Q.** Can you describe that?

9 **A.** Sure. I knew the Defendant when I first came to Gilman in
10 2011 because it was not uncommon for the boys in Lower School
11 to want to -- like, they were very curious to know who
12 Mr. Bendann was.

13 **Q.** Okay.

14 **A.** And by middle school they wanted to be with Mr. Bendann.
15 It was as if he was a pied piper. There was this magnet that
16 these boys, at a very young age, they couldn't wait to get to
17 middle school so they could be closer to him.

18 **Q.** As a co-worker did you actually work and do parts of your
19 job with the Defendant?

20 **A.** Yes.

21 **Q.** Can you describe that part of the relationship?

22 **A.** Sure. Yes. So as part of the admissions team because
23 there are three separate schools, we have admissions teams for
24 the Lower School, the Middle School and the Upper School. And
25 the Defendant was a member of our Middle School admissions

1 team.

2 Q. So would you go to certain events, recruiting events,
3 admission events, and sometimes the Defendant would be present?

4 A. Yes.

5 Q. And how would you describe the nature of your relationship
6 with him then, was it friendly?

7 A. Very.

8 Q. Were you social with him?

9 A. Yes.

10 Q. And when I say social, was that for Gilman activities
11 outside of Gilman? Both? Something else?

12 A. Both.

13 Q. How would you describe your level of trust in him at the
14 time your son was in middle school?

15 A. Oh, I trusted him implicitly.

16 Q. After [REDACTED] finished seventh grade, was there a decision
17 made in terms of his schooling?

18 A. Yes.

19 Q. What decision was that?

20 A. A decision that my husband and I and Gilman's Middle
21 School leadership thought it would be best for [REDACTED] to
22 reclassify and repeat the seventh grade at another school.

23 Q. And which school did he go to to redo or re-class seventh
24 grade?

25 A. The Calvert School.

1 Q. And do you know, just generally, where the Calvert School
2 is located?

3 A. Yes. It's in the Tuscan-Canterbury neighborhood in
4 Baltimore City, about a five-minute drive from Gilman.

5 Q. Okay. And what was the reason, if you can, for making
6 that decision for your son?

7 A. Sure. So when [REDACTED] started at Gilman in the first grade,
8 we really wanted him to go to prep, pre-first. But his scores,
9 part of the admissions process, his testing and his scores and
10 such was that he was ready for first grade. They did not think
11 it would be a good idea -- Gilman did not think it would be a
12 good idea for him to go to pre-first. Sorry.

13 Q. That's okay. So after now starting first at the end of
14 seventh grade, did you notice some differences --

15 A. Yes.

16 Q. -- in your son that made you think repeating seventh grade
17 would be a good idea?

18 A. Yes. So our son started in the first grade, he was
19 enthusiastic about learning. He loved life. He had amazing
20 friends. Just -- my mom said, don't ever squelch his spirit
21 and that was the Defendant --

22 Q. Well, that was your son you were describing --

23 A. My son, yes. Sorry.

24 Q. [REDACTED], just take a minute, okay. Just take a
25 second.

1 A. Okay.

2 Q. So at the end of seventh grade, what was the reason then
3 for wanting him to redo seventh grade?

4 It's okay. Take a second.

5 A. We were noticing, particularly when he started the middle
6 school, that his attention was becoming -- he was becoming
7 unfocused. He was a bit disruptive in the classroom in a funny
8 way, if you read the report cards.

9 Q. Class-clownie-type stuff?

10 A. Exactly.

11 Q. Yes, ma'am.

12 A. And we had questioned all the way through Lower School
13 whether or not our son would repeat that year. But, again,
14 continued through. And by seventh grade we were noticing not
15 only a behavioral shift but an academic shift where he just --
16 he was not turning in assignments. And this is the boy who
17 loved school.

18 Q. So there were some maturity issues?

19 A. Yes.

20 Q. And he needed what you described earlier for pre-first,
21 just that gift of time?

22 A. Exactly.

23 Q. Okay. I understand. After he went to Calvert School and
24 repeated seventh grade, what was the plan in terms of your son
25 and going on to eighth grade?

1 A. Yes. Our son was adamant about coming back to Gilman and
2 graduating from Gilman's middle school. That was his school.
3 He went reluctantly to Calvert, understood the reasoning behind
4 it. He was actually the youngest, one of the youngest boys in
5 his class, in the class of 2019 graduates. There was -- his
6 best friend was a year and a day older than he was.

7 Q. Okay. So when he came back to Gilman, he came back for
8 eighth grade?

9 A. Yes.

10 Q. And there's a high school, correct?

11 A. Yes.

12 Q. And you just mentioned his friends who were the class of
13 2019, had those children moved on to the high school?

14 A. They had.

15 Q. Did you notice anything about your son socially upon
16 returning to eighth grade and his friends being in the high
17 school?

18 A. His year at Calvert was very difficult across the board
19 academically, socially, emotionally, behaviorally. So he was
20 entering a summer where he then needed to figure out or truly
21 understand that he would be returning to Gilman and not being
22 with his best friend since first grade, that they would be in
23 the Upper School, and he would be joining a new group of boys
24 in the eighth grade.

25 So in terms of his demeanor, there was a sadness to him.

1 There was a -- he lacked confidence. He had -- he was angry at
2 his parents. Just didn't understand why we chose seventh grade
3 to be the year that he would repeat.

4 Q. And are you familiar at Gilman School with the middle
5 school and something that's called an advisor?

6 A. Yes.

7 Q. Can you describe that a little bit for the ladies and
8 gentlemen of the jury?

9 A. Sure. So another one of the edicts of Gilman is it's all
10 about the teacher/coach/advisor model. So all of our teachers
11 teach, they coach, and they advise. And that is something the
12 school has been doing since 1897. It's what is at kind of the
13 core of the institution.

14 So in eighth grade when he was returning -- and I do know
15 that the Defendant and my son had been in communication while
16 he was at Calvert. At that time my son was pulling away from
17 us and leaning more to the Defendant.

18 So when he started -- during the summer at that point I am
19 still at Gilman. I am the head of enrollment there. And I
20 asked the head of the middle school if it would be possible for
21 the Defendant to be our son's advisor because of the
22 relationship that they had had.

23 Q. Okay.

24 A. It was a safe place for him.

25 Q. So tell us, what does an advisor do?

1 A. Sure. So an advisor pretty much oversees all of the
2 emotional, social aspects of a child's development. They also
3 are the primary contact for parents about any issues. They're
4 in regular contact with all of the academic teachers.

5 So, for instance, in the Defendant's case he was our son's
6 history teacher as well as his advisor as well as his squash
7 coach. So that would be an example of how it all --

8 Q. So he had a prominent role in your son's life come eighth
9 grade?

10 A. Yes.

11 Q. And you were good with that?

12 A. Very.

13 Q. Would he sometimes drive your son around, like, from
14 Gilman to home or from home back to Gilman?

15 A. He would. With both my husband and I working there in
16 leadership roles sometimes we would have to leave early or the
17 Defendant would offer to take our son to breakfast. At the end
18 of the day he offered to drive our son to and from squash or to
19 and from our home.

20 Q. Okay. Were you aware of whether or not your son and the
21 Defendant would sometimes -- you mentioned breakfast -- but
22 sometimes go out to eat for other meals during the day?

23 A. Yes. I don't believe during the day.

24 Q. Okay.

25 A. They were not allowed to leave campus during the day but

1 after school?

2 Q. After school and maybe on weekends?

3 A. Yes.

4 Q. And you were aware of that social aspect of their
5 relationship?

6 A. I'm sure there are emails that say "Thank you so much.
7 You have really helped get our son through a very dark time."

8 Q. Okay. As a working mother, you were okay with that?

9 A. Very. I trusted him.

10 Q. [REDACTED] graduated eighth grade in 2016?

11 A. Uh-huh.

12 Q. If we could bring up Government's Exhibit 1. It's going
13 to appear right on the screen in front of you if you look down.
14 Do you recognize that?

15 A. I do.

16 Q. What is that?

17 A. That is our son and the Defendant at the eighth grade
18 closing ceremony at Gilman.

19 Q. So that was 2016?

20 A. Yes.

21 Q. If we can go to Government's Exhibit 2, please. What is
22 this?

23 A. This is a celebration of -- all of the boys in this
24 photograph also graduated in the eighth grade from Gilman, and
25 there was a celebration luncheon afterwards and the families

1 all invited the Defendant to be with the boys and families to
2 celebrate.

3 Q. And where did this celebration take place?

4 A. It took place at the Elkridge Club.

5 Q. Is that a country club?

6 A. It is.

7 Q. And a members-only type of country club?

8 A. Yes.

9 Q. If you can look at this photograph, do you see your son in
10 it?

11 A. I do.

12 Q. Where is he?

13 A. Right in the middle.

14 Q. What is he doing? If you can see.

15 A. Well, I can't tell if there's anything in the glass, but
16 he's holding a glass over the Defendant's head.

17 Q. Okay. Please show Government's Exhibit 3.

18 Do you recognize, without worrying about the text
19 underneath it, do you recognize the photograph there?

20 A. That is my son.

21 Q. At this point after 2016 your husband -- excuse me, I'm so
22 sorry -- your son moved on to high school?

23 A. Yes.

24 Q. And he continued at Gilman at that point?

25 A. He did.

1 Q. What sports did your son play in high school?

2 A. Primarily soccer in the fall and lacrosse in the spring.

3 Q. If we can bring up Government's Exhibit 4, please.

4 [REDACTED], like me, if you have your glasses ready, do
5 you see what's in front of you?

6 A. Yes.

7 Q. And at the center is that your son in eighth grade year
8 2016?

9 A. Yes.

10 Q. And you recognize his ninth grade, 10th grade, 11th and
11 12th-grade photos.

12 A. Yes.

13 Q. Are those all of the correct years that you recall him
14 finishing those school years?

15 A. Yes.

16 Q. When your son entered the high school, did his
17 relationship with the Defendant Christopher Bendann continue?

18 A. It did.

19 Q. How do you know that?

20 A. Well, there was mention today about --

21 Q. Well, just tell me how you know it?

22 A. Oh, how I know?

23 Q. Yes.

24 A. I apologize.

25 Q. It's okay.

1 A. Well, the boys would get together for -- on Monday nights
2 for wing night.

3 Q. Okay.

4 A. That was something that had been going on for years and I
5 think they were excited to be a part of that.

6 Q. And the Defendant would be present for that?

7 A. Yes. And oftentimes would pick some of the boys up.

8 Q. So that's how you would know? You would see him sometimes
9 pick up your son?

10 A. He would come into our driveway, yes.

11 Q. And to your knowledge did or -- excuse me -- did the
12 Defendant ever babysit or house-sit for you or your family?

13 A. So I -- and, again, I apologize. I don't recall a time
14 when he ever housesat when our son was home alone. And I say
15 that because our two daughters also played Division I sports in
16 college, and so we spent a bit of our fall -- one played soccer
17 and the other played lacrosse -- and the spring traveling to
18 their games. This was the case actually with a lot of the
19 families of [REDACTED]'s friend. They were the youngest sibling and
20 the older ones were playing sports in college.

21 So the parents were in constant communication about where
22 the Defendant was house-sitting or babysitting that weekend. I
23 know that I reached -- oh, let me back up. So [REDACTED] was a
24 senior when our son was a freshman.

25 Q. Senior in high school? I just want to be clear.

1 A. Thank you, yes, in high school.

2 Q. Okay.

3 A. So she went to college when our son was in 10th grade and
4 at that time he had his license. And we lived in on-campus
5 housing. So he was very comfortable to be on his own for -- it
6 was for 24 hours.

7 Q. So you don't recall, as you sit here today, that the
8 Defendant ever housesat or babysat for your son at your home?

9 A. I don't think -- I know that he might have helped with the
10 dogs. And I apologize. I honestly -- I know that the
11 Defendant and I would communicate. He would share weekly where
12 he was going to be in people's homes. And I said, "Great, if
13 there's a problem with our son, can he reach out?"
14 "Absolutely."

15 The Defendant would say "If he would like to spend the
16 night with us that he is welcome to." And I said that I would
17 talk to my son about that but I just -- it would be great to
18 have someone on call.

19 Q. Another set of eyes?

20 A. Another set of eyes.

21 Q. Sure. And you mentioned this but your daughters played
22 college sports?

23 A. Yes.

24 Q. Just, geographically, we'll let start with your daughter
25 [REDACTED]. Where did she go to college? What part of the

country?

A. Sure. She went to Yale University in New Haven, Connecticut.

Q. What about your daughter [REDACTED]?

A. [REDACTED].

Q. Excuse me. You already said [REDACTED]. [REDACTED].

A. That's okay. [REDACTED] went to Vanderbilt in Nashville, Tennessee.

Q. Which one played which sports?

A. [REDACTED] the oldest played soccer at Yale and [REDACTED] played lacrosse at Vanderbilt.

Q. You indicated that there were times as a sophomore and older that your son had a license, and he would be home alone while you would go see the girls, is that fair?

A. Yes, but it would not be more than 24 hours and sometimes it would be a day trip.

Q. Okay. If we can bring up Government's Exhibit 5.

[REDACTED], have you seen this before?

A. Yes.

Q. And whose handwriting -- you see handwriting in the middle of it, whose handwriting is that?

A. That's mine.

Q. This shows a Southwest reservation or ticket to Nashville on February 8, 2019; is that right?

A. (No response.)

1 Q. I just need you to say --

2 A. Yes. Sorry.

3 Q. That's okay.

4 Do you recall traveling to Nashville on that particular
5 weekend, presumably to see your daughter?

6 A. Yes.

7 Q. Was it lacrosse season as of February?

8 A. Yes.

9 Q. Who went with you on that trip?

10 A. My husband.

11 Q. Who was home in your house while you and your husband
12 traveled to Nashville?

13 A. Our son.

14 Q. Your older daughter [REDACTED], was she still up in
15 Connecticut at school?

16 A. She was a senior in college.

17 Q. So he was home alone?

18 A. He was home alone.

19 Q. What was your address in February of 2019?

20 A. 78 -- 7815 Overbrook Road.

21 Q. And what city and state is that?

22 A. Baltimore County, Maryland.

23 Q. Would you see the Defendant during the workday while you
24 were at Gilman?

25 A. Frequently.

1 Q. Would you ever speak to him now that your son was in high
2 school about your son?

3 A. Yes.

4 Q. Okay. What, if anything, did the Defendant ever
5 communicate to you about your son now that your son had moved
6 on to high school?

7 A. So the Defendant and my relationship grew significantly in
8 high school because we did -- we completely changed the
9 admissions department into an enrollment department and the
10 Defendant had a more elevated role. So he was a middle school
11 admissions associate helping with the process for boys that
12 were interested in the middle school. So it was not usual for
13 me. I was the director, oversaw the three divisions, but I
14 went to each of the divisions, tried to every day, just to make
15 sure that that all was running smoothly so I would bump into
16 the Defendant quite a bit.

17 Q. Would he ever say anything to you about minor victim, your
18 son?

19 A. Yes.

20 Q. And what do you recall about those conversations when you
21 would kind of bump into it?

22 A. There was a time when he said where's my son, "I've been
23 trying to reach him and he's not getting back to me."

24 Q. I just want to be clear, when you say "Where is my son,"
25 you mean your son?

1 A. My son.

2 Q. So he would say, where is minor victim --

3 A. Thank you.

4 Q. -- "I've been trying to reach him?"

5 A. I just don't want to say my son's name.

6 Q. I understand that, ma'am, so let's just call him minor
7 victim, okay? We'll just call him that.

8 So I'll try to refrain from using his name and saying "my
9 son," we'll just call him minor victim.

10 So he would say to you, "Where is minor victim"?

11 A. I'm sorry, say that again.

12 Q. It's all right.

13 A. I'm sorry.

14 Q. It's okay. Take a minute.

15 THE COURT: Take a minute.

16 MS. MCGUINN: You're okay. Take a minute. You've got
17 it.

18 THE COURT: Do you have any water sitting there?

19 THE WITNESS: I do need some water, please.

20 MR. NIETO: Your Honor.

21 THE COURT: Private channel.

22 (Whereupon, the following conference was held at the
23 bench:)

24 THE COURT: Mr. Nieto.

25 MR. NIETO: Yes, Your Honor. We don't have any

1 objections to the repeated use of the word "Defendant" in lieu
2 of my client's name, but referring to ██████████ as minor
3 victim repeatedly, that goes directly to the issue at this
4 case. We're objecting to that as the name to be used.

5 **THE COURT:** Ms. McGuinn, is there some other term that
6 we can use here that will quell any concern about repeated
7 suggestion of victimization in a case where the Defendant is
8 otherwise enjoying the presumption of innocence and yet at the
9 same time not use the name ██████?

10 **MS. MCGUINN:** I can refer to him by his initials DF.
11 But he is listed as minor victim in the indictment.

12 **THE COURT:** He is, indeed, but that doesn't preclude
13 my conclusion that that can become prejudicial in its repeated
14 use. And I am on the verge of such a conclusion. Why don't we
15 steer around it. How about his formal initials?

16 **MS. MCGUINN:** That's fine.

17 **THE COURT:** Don't even use the letter F. Again, his
18 first name, his given name is ██████?

19 **MS. MCGUINN:** Yes, sir.

20 **THE COURT:** And then he has two middle names?

21 **MS. MCGUINN:** I can just do █████.

22 **THE COURT:** █████. Let's try that.

23 **MS. MCGUINN:** Yes, sir.

24 **THE COURT:** Very good. Thank you.

25 (Whereupon, the bench conference was concluded.)

1 **THE COURT:** Going forward, counsel have agreed perhaps
2 the best way to refer to your son is by his initials, [REDACTED]. How
3 would that be?

4 **THE WITNESS:** Sure. Thank you.

5 **THE COURT:** We'll see if we can use that terminology.

6 **MS. MCGUINN:** Yes.

7 **THE COURT:** Ms. McGuinn, you may continue.

8 **MS. MCGUINN:** Thank you, Your Honor.

9 **BY MS. MCGUINN:**

10 **Q.** [REDACTED], the question I asked you is were there times
11 when you had talked about bumping into the Defendant during the
12 workday?

13 **A.** Yes, frequently.

14 **Q.** Were there times when the Defendant would ask you about
15 [REDACTED]?

16 **A.** Yes.

17 **Q.** What do you recall the nature of those conversations or
18 what would he ask you about?

19 **A.** He would ask how [REDACTED] was doing, that he had tried to
20 reach him and he wasn't responding.

21 **Q.** Okay. And your son finished Gilman or graduated Gilman in
22 2020?

23 **A.** Yes.

24 **Q.** For those of us who don't recall, that was COVID year; is
25 that right?

1 A. Yes.

2 Q. So is it fair to say his graduation and the plans that
3 traditionally lead into a graduation were a little bit
4 different that year?

5 A. Yes.

6 Q. Online school, that sort of thing bring back bad memories
7 for all of us; is that right?

8 A. Yes.

9 Q. Okay. And at the conclusion of high school, did your son
10 attend college?

11 A. He did.

12 Q. Where did [REDACTED] attend college?

13 A. And is that okay to share?

14 Q. Yes, it is, ma'am?

15 A. He went to [REDACTED].

16 Q. Okay. When [REDACTED] attended [REDACTED], did he get to campus
17 in the fall of 2020?

18 A. He did.

19 Q. Even though it was COVID, did he still go to campus anyway
20 even in the midst of online school or not online school, that
21 sort of thing?

22 A. Yes, he was on campus.

23 Q. To your knowledge, did the Defendant maintain contact with
24 [REDACTED]?

25 **MR. NIETO:** Objection, Your Honor. Basis of that

1 knowledge.

2 THE COURT: Fair enough. Sustained. Lay some
3 additional foundation.

4 MS. MCGUINN: Thank you.

5 BY MS. MCGUINN:

6 Q. Did you continue to speak with the Defendant while [REDACTED]
7 was away at school and you would see him in the workday?

8 A. Yes.

9 Q. And would he speak to you ever about [REDACTED]?

10 A. He missed him, and he hadn't heard from him.

11 And I did not share that in high school when he -- when
12 the Defendant was asking me that he wasn't returning his
13 messages or calls, whatever it was, I went home that evening
14 and berated [REDACTED] because he was being so disrespectfully to a
15 teacher who had given so much of his time and love to him.

16 Q. Okay.

17 A. And so I know in college they kept in touch. It's not --
18 I know that, and particularly when [REDACTED] would come home for
19 holidays, a holiday did not pass when [REDACTED] did not see the
20 Defendant.

21 Q. Okay. In the summer of 2022, after [REDACTED]'s sophomore year,
22 did he travel that summer for purposes of school?

23 A. He did.

24 Q. Do you recall where he went?

25 A. He went to the London School of Economics.

1 Q. Do you know a person by the name of [REDACTED].

2 A. Yes.

3 Q. And for purposes of the record I'm going to spell that
4 [REDACTED]. It's an usual spelling and
5 pronunciation.

6 Did I say that right, [REDACTED]?

7 A. Yes, you did.

8 Q. Who is she?

9 A. She is [REDACTED] girlfriend.

10 Q. By that summer of 2022, after sophomore year, were they
11 actually dating?

12 A. Yes.

13 Q. Had you met her prior to that summer?

14 A. Yes.

15 Q. Did she come visit you, your family, at your home in
16 Baltimore prior to [REDACTED] going to London?

17 A. Yes.

18 Q. Would she stay in your home?

19 A. Yes.

20 Q. Do you know if she, Ms. [REDACTED], went with [REDACTED] to London?

21 A. She did.

22 Q. To your knowledge, when [REDACTED] was in London, did something
23 happen to his phone?

24 A. Yes. The first day he arrived he and his girlfriend were
25 so exited to have lunch at a little --

1 MR. NIETO: Objection, Your Honor.

2 THE COURT: Basis?

3 MR. NIETO: Basis of knowledge, hearsay.

4 THE COURT: I'm not sure we're at hearsay yet. But I
5 think we've got a foundational issue. So let's develop that a
6 little bit more. Sustained. But you may continue.

7 MS. MCGUINN: Thank you.

8 BY MS. MCGUINN:

9 Q. [REDACTED], generally, not how, what happened to your
10 son's phone?

11 A. It was stolen.

12 Q. Was that communicated to you as his parent?

13 A. Oh, yes.

14 Q. In trying to get a new phone?

15 A. Yes.

16 MR. NIETO: Objection, Your Honor.

17 THE COURT: Private channel.

18 (Whereupon, the following conference was held at the
19 bench:)

20 THE COURT: Your objection.

21 MR. NIETO: Your Honor, the witness is testifying
22 about things for which she does not have firsthand knowledge.
23 It's being offered for the truth of the matter.

24 THE COURT: Well, I haven't heard any explicit
25 hearsay. I think the problem is still a foundational one. It

1 might be that the only foundation she's got is hearsay, but I
2 haven't heard it yet. The problem is still one of insufficient
3 foundation. How does she know that the phone was stolen? The
4 problem, I imagine, is that the answer to that question is
5 somebody told her that and that's hearsay. So how are we going
6 to get around that?

7 **MS. MCGUINN:** So I would say it goes to affect on
8 hearer as to what action she took as his parent learning that
9 her son's phone was stolen to try to help him get a new phone.
10 Moreover, Your Honor --

11 **THE COURT:** Did you come to understand or believe that
12 the phone had been stolen? That's what you -- that's
13 effectively what you want to do to avoid the hearsay, but the
14 problem is how do -- we still get to the point of how she knew.
15 How did she know?

16 **MS. MCGUINN:** Sure. But I don't know her basis of
17 knowledge being hearsay, again, it goes to affect on hearer and
18 what she did as a result or knew as a result.

19 **THE COURT:** Where is the testimony going because she
20 can operate on the basis of a belief that the telephone was
21 stolen. She did some things, apparently.

22 **MS. MCGUINN:** Sure.

23 **THE COURT:** You can ask her: What did you do? I did
24 X, Y -- I went to the Verizon store and ordered a new
25 telephone. Why did you do that? I did it under the belief

1 that my son's phone had been stolen in.

2 MS. MCGUINN: Okay.

3 THE COURT: I mean, you know, sometimes the rules are
4 arcane but you're going to have to navigate them.

5 MS. MCGUINN: Yes, sir.

6 (Whereupon, the bench conference was concluded.)

7 BY MS. MCGUINN:

8 Q. [REDACTED], did there come a point that summer in 2022
9 that you traveled to London also?

10 A. Yes.

11 Q. And who went with you?

12 A. My husband.

13 Q. And while in London, did you see [REDACTED]?

14 A. We did.

15 Q. And was there a specific plan as to when you would see
16 [REDACTED] and what, if anything, would occur?

17 A. Yes. So we arrived the last week of his experience and
18 tried to schedule different things each day, if he was able to
19 join, he and [REDACTED], they were welcome. The last day, actually
20 I received a strong recommendation from the Defendant about a
21 place to have afternoon tea.

22 Q. As you sit here today can you remember the name of the
23 place that you went?

24 A. I can. Fortnum & Mason.

25 Q. And did you, in fact, execute that plan to go there?

1 A. We did.

2 Q. And who went or attended that tea in London?

3 A. Sure. It was [REDACTED], his girlfriend, my husband and I.

4 Q. How would you describe that outing?

5 A. Well, I had been looking forward to it. I was hoping that
6 everyone else was. We arrived -- my husband and I arrived
7 first. We had offered to pick up [REDACTED] and his girlfriend, but
8 they wanted to meet us there. They arrived late. [REDACTED] was
9 pretty adamant about not putting his blazer on. It was almost
10 like he was angry. He was mad.

11 Q. Is that how you would describe his demeanor?

12 A. Uh-huh. And I didn't know why.

13 Q. Okay. Did you have an opportunity to observe Riley's
14 demeanor?

15 A. So she was trying to make up for his lack of
16 communication, distancing himself from us, yes.

17 Q. Did you make any purchases while at that tea for anyone in
18 particular?

19 A. Yes.

20 Q. What did you buy?

21 A. I bought some of the jams. The Defendant is the person
22 who recommended that we do this for a special night, which we
23 did on the last night of the program. And I thought it would
24 be a nice gesture to buy him some of the jams that he -- he
25 shared with me his favorite flavors.

1 Q. Just for those of us who maybe haven't been to London or
2 this place, are those jams somehow well-known or popular?

3 A. Yes, yes.

4 Q. Directing your attention to January of 2023, did there
5 come a point in mid-January when you, as an employee of Gilman,
6 learned that there was a change in the Defendant's employment
7 at Gilman?

8 A. Yes.

9 Q. At the time, initially, were you aware if it had anything
10 to do with your son?

11 A. No idea.

12 Q. What was your initial reaction when the suspension
13 occurred?

14 A. I was heartbroken for the Defendant and wanted to go see
15 him or make sure that someone was keeping an eye on him for
16 fear of him doing something to himself.

17 Q. At the end of that week did the Defendant's status at
18 Gilman change again?

19 A. It did.

20 Q. And based on that, did you and your husband go anywhere?

21 A. We did.

22 Q. Where did you go?

23 A. We went to [REDACTED]'s college campus.

24 Q. And just for those who may not know where [REDACTED] is,
25 approximately how far of a drive is that from Baltimore?

1 A. Two hours and 15 minutes.

2 Q. Did you, in fact, go to see [REDACTED]?

3 A. Yes.

4 Q. Who specifically went and saw him?

5 A. So both my husband and I went. And then I stayed in the
6 hotel, and my husband and [REDACTED] went to dinner at Panera.

7 Q. How long was your husband gone, if you can recall,
8 approximately?

9 A. A few hours. At least three hours.

10 Q. When he returned, did you have a conversation with your
11 husband about what occurred at dinnertime?

12 A. Yes.

13 Q. And were you upset or were you upset based on what he told
14 you?

15 MR. NIETO: Objection, Your Honor.

16 THE COURT: Overruled. You may answer. Were you
17 upset?

18 THE WITNESS: Extremely.

19 THE COURT: Next question.

20 BY MS. MCGUINN:

21 Q. Did you call anyone?

22 A. I did.

23 Q. Who did you call?

24 A. I called Steve Silverman. It was 10:30 at night. He is
25 an attorney by trade. I grew up with a father who is an

1 attorney, and I've always seeked counsel, my brothers and I,
2 that's who we turn to. We were in crisis mode.

3 Q. Yes, ma'am. And as to Steve Silverman's trade, do you
4 know him in a different way?

5 A. Oh, yes. We went through grade school all the way through
6 high school and on to college together.

7 Q. After you spoke with him, to your knowledge, did [REDACTED]
8 return to Baltimore a week later?

9 A. Yes.

10 Q. And do you recall [REDACTED] meeting with investigators involved
11 in this investigation?

12 A. Yes.

13 Q. Do you recall investigators actually coming to your home
14 on Overbrook Road?

15 A. Yes.

16 Q. We can bring up Government's Exhibit 6, please. I'm
17 directing you to that, if you need your glasses.

18 Do you recognize what Government's Exhibit 6 is?

19 A. Yes.

20 Q. What is that?

21 A. That is a bathroom in our home, a shower.

22 Q. Just to orient the ladies and gentlemen of the jury,
23 primarily who used this particular bathroom in our home?

24 A. Our daughters, [REDACTED] and [REDACTED].

25 Q. If we could go to Government's Exhibit 7, please.

1 And this image, do you recall this image being taken by
2 law enforcement?

3 A. Yes.

4 Q. And what is this?

5 A. The same shower.

6 Q. When investigators came to your home and took these
7 photographs of your shower, what, if any, affect did that have
8 on your living in that home?

9 A. After they left -- they were incredible. And when they
10 left my husband turned to me and said, "It's time to move."

11 MR. NIETO: Objection, Your Honor.

12 THE COURT: Not offered for the truth of the matter
13 asserted, if that's a hearsay objection. Overruled. You may
14 continue.

15 BY MS. MCGUINN:

16 Q. After he said that did you, in fact, move to a different
17 location?

18 A. We did. We put our house on the market and moved.

19 MS. MCGUINN: Court's indulgence, Your Honor.

20 , I have no other questions for you.

21 THE COURT: Private channel.

22 (Whereupon, the following conference was held at the
23 bench:)

24 THE COURT: Becca, what time did we finally start?

25 THE CLERK: 10:54.

1 THE COURT: How long for your cross do you think?

2 MR. NIETO: Five minutes maybe.

3 THE COURT: Great. You may proceed.

4 (Whereupon, the bench conference was concluded.)

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. NIETO:

8 Q. [REDACTED], do you still work at Gilman?

9 A. I do not.

10 Q. You're still listed on the website as the director of
11 enrollment, did you know that?

12 A. I did not.

13 Q. When did you stop working at Gilman?

14 A. July 31st, 2023.

15 Q. Your husband works there though, correct?

16 A. Yes.

17 Q. And during your role there in the director of enrollment,
18 you had actually asked Mr. Bendann to become a member of the
19 admission committee?

20 A. Yes.

21 Q. You had worked with him, emailed with him throughout that
22 time of his employ?

23 A. Often.

24 Q. In addition to working there, you and your family actually
25 lived on campus for some time?

1 A. Yes.

2 Q. 2014 until maybe October of 2018?

3 A. Correct.

4 Q. And that was during the time in which your son was
5 enrolled as a student there as well?

6 A. Yes.

7 Q. Now, tuition at Gilman, I'm assuming both professionally
8 and personally, is expensive at this school, right? Is that a
9 "yes" ma'am?

10 A. Yes. I'm sorry. Yes.

11 Q. You're all right.

12 And of course the school has a great reputation, does it
13 not?

14 A. Yes.

15 Q. Yes, it does. And money is, arguably, very well spent,
16 right?

17 A. Yes.

18 Q. In fact, the Gilman community has networking events for
19 students and recent graduates to help everyone as they move
20 forward in life, right?

21 A. Yes.

22 Q. And that is one of the values to a community such as that,
23 correct?

24 A. Yes.

25 Q. The Gilman helping Gilman to say for lack of a better

1 phrase?

2 A. Yes.

3 Q. Yes, ma'am. Now, as part of the teachers' roles at this
4 school, you had indicated that sometimes it can be a trifecta
5 of roles, right?

6 A. Yes.

7 Q. In terms of teaching, mentoring, and coaching?

8 A. Yes.

9 Q. And that was expected of all of the teachers?

10 A. In the middle and Upper School. Lower School teachers, it
11 was full time.

12 Q. Yeah, exactly.

13 A. Sorry.

14 Q. But for middle school and high school?

15 A. Yes.

16 Q. Also, additionally, the report cards that you would
17 receive for your son, they were fairly detailed; is that fair
18 to say?

19 A. Yes.

20 Q. Each teacher would write almost a paragraph or some
21 commentary specific to the student, right?

22 A. Yes.

23 Q. And that of course is helpful to the parents because it
24 allows them to see how each student is doing or how their son
25 is doing in class?

1 A. Yes.

2 Q. Now, your son's grades throughout his time in Gilman were
3 all As and Bs, weren't they?

4 A. Yes.

5 Q. And in high school he was in honors program or honors
6 classes?

7 A. Yes.

8 Q. He took some AP classes as well?

9 A. Yes.

10 Q. It's been awhile, but AP classes can sometimes transition
11 into college credits, right?

12 A. Yes.

13 Q. It's the highest level of education in terms of a class
14 that one could receive in the high school capacity?

15 A. Or an IB. That would be another example.

16 Q. Yes, one of the highest?

17 A. Sure. Yes.

18 Q. Now, when your son -- I'm sorry for my lack of vocabulary,
19 he wasn't held back --

20 THE COURT: One second. Did you say you couldn't
21 hear? One second. Are we clear?

22 MR. NIETO: Am I all right, Your Honor?

23 THE COURT: Private channel.

24 (Whereupon, the following conference was held at the
25 bench:)

1 **THE COURT:** Mr. Nieto, do you feel that you're
2 constrained by a convention that would expect you to refer to
3 the victim in this case by his initials of [REDACTED] rather than his
4 nickname of [REDACTED]?

5 **MR. NIETO:** Forgive me, Your Honor, did I say [REDACTED]?

6 **THE COURT:** Well, I didn't hear it, but I think the
7 witness thinks she may have so I'm just trying to clear that
8 up.

9 My preference would be that we all subscribe to that
10 convention. Is that acceptable to you?

11 **MR. NIETO:** Your Honor, I have -- forgive me, I have
12 no intention of being so informal. It was our approach that we
13 would simply be referring to him as [REDACTED] as I did in
14 my opening, but if the Court at least for this witness prefers
15 the [REDACTED] nomenclature I'm happy to --

16 **THE COURT:** I do. I'm not going to order you to do it
17 because I think you have to have some freedom to run the
18 defense as you think best; but if this is not inconsistent with
19 your other objectives and if you're able to remember that
20 convention that would be preferable.

21 **MR. NIETO:** Absolutely, Your Honor.

22 **THE COURT:** Okay. Thank you.

23 (Whereupon, the following conference was held at the
24 bench:)

25 **THE COURT:** I think we need to restate the last

1 question so we can get back on track. Mr. Nieto, you may reask
2 your question again.

3 **BY MR. NIETO:**

4 Q. Forgive me, your son [REDACTED] repeated the seventh grade?

5 A. Yes.

6 Q. You used a certain word for it, forgive me, what was that?

7 A. It's either repeat or reclassify.

8 Q. Reclassify. Now, he reclassified at Calvert School; is
9 that correct?

10 A. Correct.

11 Q. Why didn't he reclassify at Gilman?

12 A. Because technically they're not supposed to. Gilman
13 doesn't have a program in place where you could have another
14 seventh grade experience that's very different than the seventh
15 grade experience you just had.

16 Q. Oh, I see. The idea was for a different seventh grade
17 experience?

18 A. Yes.

19 Q. Oh, all right. Okay. So it makes sense to go to another
20 qualified but different school to reclassify and then return
21 back to the Gilman community?

22 A. Yes.

23 Q. Now, when [REDACTED] was under the age of 18, he did have a
24 curfew, did he not?

25 A. Yes.

1 Q. Now, as a member of the Gilman community, you must have
2 spent time both professionally and personally socializing with
3 other parents and families within that community?

4 A. Yes.

5 Q. Any of these social get togethers involving parents and
6 children of students alike?

7 A. Yes.

8 Q. So it wasn't necessarily taboo for parents and for the
9 students to enjoy alcohol responsibly together; is that fair to
10 say?

11 A. Yes.

12 Q. So it wasn't inappropriate for [REDACTED] to consume alcohol
13 under the age of 21?

14 A. I'm sorry, your question?

15 Q. Absolutely. It wasn't unreasonable for [REDACTED] to drink
16 alcohol under the age of 21?

17 THE COURT: Answer if you're able.

18 THE WITNESS: I'm sorry. So when you're saying
19 unreasonable --

20 THE COURT: Stop. The question has an ambiguity to
21 it. Unreasonable by what standard? Unreasonable to who?
22 Please clarify.

23 MR. NIETO: Absolutely.

24 THE COURT: You may rephrase.

25 MR. NIETO: Forgive me.

1 BY MR. NIETO:

2 Q. [REDACTED] was allowed to drink at home?

3 A. Yes.

4 Q. He was allowed to drink with family, correct?

5 A. Yes.

6 Q. And if [REDACTED] had friends over, they would be able to drink
7 alcohol together at your home?

8 A. Yes.

9 Q. In fact, you had provided a photo to the Government
10 depicting just such an incident, correct?

11 A. Yes. I don't -- I don't know the photo.

12 Q. All right. If I may show you then -- if I may just show
13 you what's marked as Defendant's Exhibit 1.

14 You can see the photo, [REDACTED]?

15 A. Yes.

16 Q. This is a photo you provided to the Government prior to
17 trial, correct?

18 A. Yes.

19 Q. And this is a photo from December of 2020; is that true?

20 A. It may be.

21 Q. Would looking at -- would looking at something -- would
22 looking at a text message that you shared with the
23 investigators help refresh your recollection?

24 A. Sure. I'm sorry.

25 Q. That's all right. Would it surprise you that this was

1 from December of 2020?

2 A. No.

3 Q. Okay. And so in December of 2020, how old was [REDACTED]?

4 A. Nineteen.

5 Q. Nineteen. All right. And in this particular photo, with
6 the exception of the gentleman with the gray hair and the other
7 gentleman standing, the other three that are around the table,
8 do you know who they are?

9 A. I do.

10 Q. Are those Gilman students?

11 A. No.

12 Q. Are they family?

13 A. Yes.

14 Q. Any of them under the age of 21?

15 A. No.

16 Q. No. All right. But [REDACTED] is in this photo, correct?

17 A. Yes.

18 Q. And in front of him we can see, I think, approximately one
19 bottle and three cans?

20 A. Yes.

21 Q. I can show you what's been also marked as Defendant's
22 Exhibit 2. This is a photo of [REDACTED], correct, ma'am?

23 A. Yes.

24 Q. Now, this is a photo from May 19th of 2022?

25 A. I guess so. I -- 2022. I know where it was and why we

1 were there. Does that help?

2 Q. Again, I'm sort of referencing the -- this portion of the
3 exhibit.

4 A. Sorry. I need to wear my glasses.

5 Q. That's all right. It's all right. That's why I was
6 asking. This is a photo taken in May 19th of 2022, correct?

7 A. At 11:27 p.m.

8 Q. Yes, ma'am. All right. And so he would be 21 in this
9 photo, yes?

10 A. Yes.

11 Q. All right. So he had been over the age of 18 for three
12 years by the time this photo was taken?

13 A. Yes.

14 Q. Thank you, ma'am. Nothing further.

15 THE COURT: Redirect?

16 MS. MCGUINN: No questions, Your Honor.

17 THE COURT: May the witness be excused, ma'am?

18 MS. MCGUINN: From the Government, yes, Your Honor.

19 THE COURT: Mr. Nieto, may the witness be excused?

20 MR. NIETO: Yes, Your Honor.

21 THE COURT: Ma'am, you're excused. You're free to
22 leave or remain as you wish.

23 THE WITNESS: Thank you.

24 THE COURT: Next witness.

25 MS. HAGAN: Your Honor, the Government's next witness

1 is [REDACTED] .

2 **THE COURT:** [REDACTED] . Please come forward, sir.
3 All the way to the front of the courtroom. When you arrive at
4 the witness box, please stop there, turn to your left, face our
5 clerk, and raise your right hand.

6 (Witness sworn.)

7 **THE CLERK:** Thank you, sir. You may be seated. And
8 for the record, sir, making sure to speak directly into that
9 microphone, can you please state and spell your first and last
10 name.

11 **THE WITNESS:** [REDACTED] .

12 **THE COURT:** Your witness, ma'am.

13 **DIRECT EXAMINATION**

14 **BY MS. HAGAN:**

15 **Q.** Good afternoon, [REDACTED] .

16 **A.** Good afternoon.

17 **Q.** [REDACTED] , I'm going to ask you to keep your voice up
18 and speak directly into the microphone so I can hear you all
19 the way back here, okay?

20 **A.** Okay.

21 **Q.** How old are you, [REDACTED] ?

22 **A.** Fifty-eight.

23 **Q.** And in what town do you reside?

24 **A.** In Towson.

25 **Q.** How long have you resided in the state of Maryland?

1 A. Since 1991.

2 Q. How are you currently employed?

3 A. I work as the director of finance and operations at Gilman
4 School, and I'm a professor at Johns Hopkins.

5 Q. Let me ask you about your job at Johns Hopkins first.

6 What subject do you teach as a professor at Johns Hopkins?

7 A. Sure. I've taught financial and managerial accounting.

8 Q. Financial and managerial accounting?

9 A. Yes.

10 Q. How long have you been a professor with Johns Hopkins?

11 A. Ten years. Over 10 years.

12 Q. Is that a part-time or full-time position?

13 A. It's called an adjunct position so part-time at night.

14 Q. And how long have you been the director of finance for the
15 Gilman School?

16 A. Twenty-one years.

17 Q. And you're currently still the director of finance?

18 A. I am, yes.

19 Q. What are your responsibilities as the director of finance
20 at the Gilman School?

21 A. Sure. So all financial aspects, budgeting and forecasting
22 and then responsibility for operations. So the bookstore, the
23 facilities. Basically everything nonteaching.

24 Q. And is that a full-time position?

25 A. That is.

1 Q. Do you maintain an offense at the Gilman School?

2 A. I do.

3 Q. Where, physically, is your office located?

4 A. It's in a building called Carey Hall, which is the main
5 building where Upper School students have classes and a lot of
6 administration have their offices.

7 Q. And by Upper School, those are the high school grades?

8 A. Yes. Nine through 12.

9 Q. Okay. I'm going to show you Government's Exhibit 13. You
10 can just look at the screen.

11 Do you recognize what's depicted in Government's
12 Exhibit 13?

13 A. I do.

14 Q. And do you see the Carey building that you described where
15 your office is and where the upper-class students attend?

16 A. I do.

17 Q. And hoping that this works, if you can circle on the
18 screen where that building is located?

19 A. See the little green.

20 Q. Okay. That main one, I see a little bit.

21 A. Yep.

22 Q. If you can try to just do the circle one more time.

23 A. (Witness complies.)

24 Q. There you go. In Government's Exhibit 13, [REDACTED], is
25 the building where the middle school classes are held; is that

1 depicted?

2 A. Yes, it is.

3 Q. Are you able to circle that?

4 A. I am.

5 Q. Can you do that, please?

6 A. (Witness complies.)

7 Q. So the Carey building contains both some administrative
8 offices such as yours as well as the upper-class high school
9 classes; is that right?

10 A. Correct.

11 Q. And then the building on the right that you circled,
12 that's where the middle school classes --

13 A. Right. There's a little building behind Carey Hall called
14 the Science Building and that's where some Upper School
15 students take their science classes.

16 Q. Among the offices that are located in the Carey building
17 with you, would that be the head of the school?

18 A. Yes.

19 Q. Is that the proper term?

20 A. Yes.

21 Q. Is that almost like what we would know as a principal?

22 A. Exactly.

23 Q. And what is the role of the head of school at Gilman?

24 A. To run the school.

25 Q. And how much do you work as the director of finance with

1 the head of school?

2 A. Pretty much -- a lot. He has maybe 10 direct reports and
3 I'm one of them.

4 Q. And any other activities that you take on as an employee
5 of Gilman, other than director of finance?

6 A. Sure. So I've been an advisor, and I've been a teacher of
7 a business class in high school.

8 Q. How long have you been --

9 A. Oh, I run the business club, too, sorry.

10 Q. How long have you been a teacher?

11 A. I had taught maybe five years.

12 Q. And how long have you been an advisor?

13 A. I haven't been in the last two years, but prior to that I
14 had been an advisor for eight years, I think.

15 Q. And you indicated that you run the business club?

16 A. Right. Every club needs to have a faculty advisor, and I
17 was that advisor for that club.

18 Q. And that is a club for students at Gilman?

19 A. Students of -- Upper School students interested in
20 business.

21 Q. Okay. How much day-to-day contact with teachers do you
22 have in your role at Gilman?

23 A. Not a lot.

24 Q. Do you know Christopher Bendann?

25 A. I do.

1 Q. How do you know him?

2 A. He's taught there a long time, and in the course of my
3 experience at Gilman I've tried to get to know as many teachers
4 as I can, even though I don't work with them. I've also given
5 presentations to teachers at various times on helping save for
6 retirement or explaining health benefits. So those are my main
7 interactions that I had with folks.

8 Q. Is it fair to say that your primary interactions with
9 Mr. Bendann were in school or school-related?

10 A. Yeah, a hundred percent.

11 Q. When do you recall first meeting Mr. Bendann?

12 A. Probably a couple of years after I got there, I think.
13 Yeah, I'm not sure specifically when Chris -- the Defendant --
14 joined, but I think it was in the 2000s that I probably met the
15 Defendant.

16 Q. Did there come a point in time where you knew or learned
17 that he had a rapport with other families at Gilman?

18 A. Yes, that seemed to be going on a lot in the late 2000s, I
19 think.

20 Q. And, [REDACTED], your son is [REDACTED]?

21 A. Yes.

22 Q. Also known as [REDACTED]?

23 A. Yes.

24 Q. And he attended the Gilman School?

25 A. He did.

1 Q. And can you recall the grades that your son attended
2 Gilman?

3 A. Yeah. He attended K through 12 as mentioned. He left in
4 the seventh grade to go to another grade because he was very,
5 very young in his class.

6 Q. And where did he then resume eighth grade?

7 A. Back at Gilman.

8 Q. And what, if any, changes or challenges did you observe
9 with respect to your son's social aspect at Gilman once he
10 returned as an eighth grader?

11 A. Yeah, he was very sad and very distant. I think having
12 his friends go up a grade and then him staying back really
13 affected him. He missed those friendships. He had always
14 played sports with them and so I think that was a very hard
15 adjustment.

16 Q. Okay. Did your son have his own cell phone while a
17 student at Gilman?

18 A. He did.

19 Q. Do you recall what grade he was first permitted to have
20 his own phone?

21 A. Probably in the middle school. I can't remember specific
22 grade but maybe seventh grade, maybe eighth grade. Could have
23 been --

24 Q. Do you remember the cell phone number that was associated
25 with your son when he first got his cell phone?

1 A. It's the same one today. And I'm an accountant but I'm
2 not great with phone numbers.

3 Q. Does it end in 0307?

4 A. Yeah, 410.

5 THE COURT: Let's stop there. Next question.

6 BY MS. HAGAN:

7 Q. Who was the cell phone provider for that phone?

8 A. Verizon.

9 Q. Was it on your plan?

10 A. Yes.

11 Q. Has it been on your plan the entire time?

12 A. Yes.

13 Q. Have you always had Verizon?

14 A. No, we switched to T-Mobile at one point and then switched
15 back to Verizon.

16 Q. What year, [REDACTED], did your son graduate from the
17 Gilman School?

18 A. 2020.

19 Q. Where did he attend college?

20 A. [REDACTED]

21 Q. Did he play any sports for his college team?

22 A. He did. He played [REDACTED] for [REDACTED].

23 Q. Is that a Division I?

24 A. That is a Division I.

25 Q. From your own observations, tell us what you observed of

1 ██████'s -- your son's attitude as he was starting college?

2 A. Yeah, I think it was -- it was hard because it was COVID
3 so this was the COVID generation. They lost high school
4 graduation, they lost their proms, they lost a lot of things.
5 So I think it was kind of a challenging period because classes
6 were online, and he was in a dorm, and, you know, he's lucky to
7 be in college, but still that was hard, I think.

8 Q. So he still physically went to the campus for his freshman
9 year?

10 A. He did. And then he -- I think it -- I can't remember
11 specifically, I think there were times when they came home too.

12 Q. Okay. Would that have been August of 2020 that he started
13 as a freshman at ██████████?

14 A. Yes, yes.

15 Q. I'm going to direct your attention to January of 2023.
16 What year was your son in college in January of 2023?

17 A. So he was a junior.

18 Q. And I'm going to specifically direct your attention, ███
19 ████████, to Friday, January 20th, 2023. Do you recall whether
20 your son was home or at college?

21 A. Yes. He was at ██████████.

22 Q. And without saying the substance of a conversation, did
23 you have a conversation with the head of Gilman that prompted
24 you to call your son?

25 A. I did.

1 Q. And after your conversation, did you subsequently drive to
2 [REDACTED]?

3 A. Yes. We were supposed to go up Saturday and we decided to
4 go up right away.

5 Q. So you did have a plan to go see him but it was not going
6 to be until Saturday?

7 A. Right.

8 Q. And so you ended up driving up when?

9 A. Right after the conversation with the head.

10 Q. And why did you decide to drive up to see him in person on
11 that Friday instead of wait until Saturday?

12 A. Yeah. I sensed he was in a lot of trouble.

13 Q. How soon after your conversation with the head of Gilman
14 did you drive to [REDACTED] to see your son?

15 A. Probably within a half hour.

16 Q. Who went with you?

17 A. My wife.

18 Q. What did you do when you arrived to [REDACTED]?

19 A. I dropped my wife off at a hotel that we were able to get,
20 and then I went and got [REDACTED], and we went and had dinner.

21 Q. And where did you have dinner?

22 A. Panera Bread.

23 Q. And was there anyone else present for the conversation?

24 A. No.

25 Q. And how long did you meet with and talk to your son?

1 A. Two, two and a half hours.

2 Q. And after that conversation, where did you go and where
3 did your son go?

4 A. My son went back to where he was living. I dropped him
5 off. And I went home and talked to my wife.

6 Q. And when you say home, where did you go?

7 A. Yeah, hotel.

8 Q. When you got to the hotel and spoke to your wife, what did
9 you do? What did you both do?

10 A. Cry, a lot. And then tried to find a way that I could
11 protect my son.

12 Q. Who did you contact, if anyone?

13 A. We contacted a family friend who is a lawyer by the name
14 of Steve Silverman.

15 Q. And do you recall whether in the near future your son --
16 it was arranged for your son to return to Baltimore?

17 A. Yeah. So we consulted with Mr. Silverman to try to help
18 us understand what we should do. I was worried for my son's
19 life and health. And I needed help from somebody to guide me
20 on who we should contact. And he put us in touch with the FBI
21 and Baltimore County.

22 Q. And were arrangements made for your son to meet with
23 investigators --

24 A. Yes, yes.

25 MS. HAGAN: Court's indulgence. Nothing further, Your

Honor, for [REDACTED].

THE COURT: Thank you. Cross-examination.

MR. PROCTOR: Your Honor, can I have a second to consult with Mr. Nieto?

THE COURT: Yes.

(Counsel conferring.)

MR. PROCTOR: I have no questions for this witness.

THE COURT: May the witness be excused, Ms. Hagan?

MS. HAGAN: Yes, Your Honor.

THE COURT: Mr. Proctor?

MR. PROCTOR: Yes, Your Honor.

THE COURT: Sir, you may be excused or remain if you wish.

Next witness.

MS. MCGUINN: Your Honor, the next witness is probably going to be lengthy. I don't know if Your Honor --

THE COURT: We'll start.

MS. MCGUINN: Can I have a minute to retrieve them?

THE COURT: Yes.

MS. MCGUINN: The Government is next calling [REDACTED]
[REDACTED], Your Honor.

THE COURT: [REDACTED].

While we're waiting, private channel.

(Whereupon, the following conference was held at the bench:)

1 **THE COURT:** So how long do you think the direct will
2 take?

3 **MS. MCGUINN:** It's hard to say, Your Honor. I would
4 estimate at least an hour and a half.

5 **THE COURT:** We'll probably go until about 1:00. Take
6 a break for lunch and then resume after lunch.

7 **MS. MCGUINN:** Your Honor, if I find a natural break
8 close to 1:00, would that be acceptable before --

9 **THE COURT:** Yeah. Wait til we're in the sort of after
10 12:45, 12:50 range.

11 **MS. MCGUINN:** Yes, sir.

12 **THE COURT:** And then tell looking for something and
13 then tell me that that's logical.

14 **MS. MCGUINN:** Yes, sir.

15 (Whereupon, the bench conference was concluded.)

16 **THE COURT:** Please come forward, sir, up here to the
17 front of the courtroom. You'll see a witness box. When you
18 arrive there, stop, turn to our left, face our clerk, and raise
19 your right hand.

20 **THE CLERK:** Sir, please raise your right hand.

21 (Witness sworn.)

22 **THE CLERK:** Thank you, sir. You may take a seat in
23 the witness box. Sir, speaking directly into that microphone
24 to your right can you please state and spell your first and
25 last name.

1 A. Finance.

2 Q. Where did you grow up?

3 A. Baltimore.

4 Q. Who are your parents?

5 A. [REDACTED].

6 Q. [REDACTED]?

7 A. Yes. [REDACTED].

8 Q. That's fine. I probably understood but just making sure.

9 THE COURT: [REDACTED], I'm going to ask you to move
10 that microphone along the rail a little closer to you so it
11 picks you up a little bit better.

12 THE WITNESS: All right.

13 BY MS. MCGUINN:

14 Q. And you have siblings?

15 A. Yes.

16 Q. Who are your siblings?

17 A. [REDACTED] and [REDACTED] [REDACTED].

18 Q. Are they older or younger?

19 A. Older.

20 Q. [REDACTED], did you play any [REDACTED] -- or, excuse me, I
21 just gave away the answer. Did you play any sports in college?

22 A. Yes.

23 Q. What was that?

24 A. [REDACTED].

25 Q. Where did you attend grade school?

1 A. Gilman.

2 Q. And did you attend grade school through 12th grade at
3 Gilman?

4 A. Yes.

5 Q. Did you attend middle school at Gilman?

6 A. Yes.

7 Q. Where were your parents working at the time that you
8 attended Gilman?

9 A. Both were at Gilman, I believe. My mom was in and out of
10 schools, different schools.

11 Q. There came a point where she also worked at Gilman while
12 you were there?

13 A. Yes.

14 Q. Did you attend sixth and seventh grade at Gilman?

15 A. Yes.

16 Q. Did you have an advisor?

17 A. Yes.

18 Q. Who was your advisor in sixth and seventh grade?

19 A. Brooks Matthews.

20 Q. And for the ladies and gentlemen of the jury who may not
21 know, what does an advisor do for a middle school student at
22 Gilman?

23 A. You just meet with them couple times a week just to go
24 over how you are doing in school, how life's going and whatnot.

25 Q. And were those meetings, like, during the school day?

1 A. Yes.

2 Q. And were they somewhat informal, friendly, interactive?

3 A. Yes.

4 Q. Would the advisor or in this case Mr. Matthews for sixth
5 and seventh grade, was that person aware of, like, your grades?

6 A. Yes.

7 Q. Did something change after seventh grade while you were at
8 Gilman?

9 A. Yes.

10 Q. What happened?

11 A. I went to Calvert School for seventh grade again.
12 Repeated.

13 Q. Do you understand or what do you understand about why you
14 went to Calvert School?

15 A. Maturity issues. I got a lot of detentions and it seemed
16 like the best idea.

17 Q. Whose decision was it for you to go to Calvert School?

18 A. Mainly my parents, but I agreed.

19 Q. You agreed with them.

20 What was the plan upon finishing seventh grade at Calvert
21 School?

22 A. The plan was to stay at Calvert but that changed to --

23 Q. But that changed --

24 A. Yes, to go back to Gilman for eighth grade.

25 Q. Whose decision was that?

1 A. Both my parents and mine.

2 Q. When you returned to Gilman, did you get an advisor for
3 your class when you returned?

4 A. Yes.

5 Q. It's probably understood but you returned starting now
6 eighth grade?

7 A. Eighth grade.

8 Q. So who was your advisor in eighth grade?

9 A. Chris Bendann.

10 Q. Did you know Chris Bendann prior to the eighth grade?

11 A. Yes.

12 Q. If you can put yourself in your 13, 14-year-old brain,
13 what was your thoughts on Chris Bendann as a teacher and
14 advisor at Gilman School and middle school?

15 A. He was a cool guy. Seemed like the advisor people wanted.

16 Q. He seemed like, I'm sorry, the advisor people wanted?

17 A. Yes.

18 Q. Okay. Was there anyone else in your advisory from the
19 eighth grade class with you?

20 A. Yes.

21 Q. Who were those people?

22 A. Wallace Halpert, Jack Witherspoon, and Avery Meyer.

23 Q. I just want to make sure. Wallace Halpert?

24 A. Yes.

25 Q. Jack Witherspoon?

1 A. Yes.

2 Q. And Avery Meyer?

3 A. Yes.

4 Q. And, in fact, the advisory was made up of not just you
5 four boys, but boys from the seventh and sixth grade too.

6 A. Yes.

7 Q. Upon returning in eighth grade, were there any
8 difficulties in terms of your social life?

9 A. Yes.

10 Q. Can you describe that?

11 A. Yes. So all of the kids that I grew up with at Gilman
12 from first to seventh grade were now in high school. And I was
13 having to make new friends back in a new grade at Gilman while
14 all of them were now in the Upper School.

15 Q. At Gilman is the Upper School high school in the same
16 building as the middle school?

17 A. No.

18 Q. To that end, did you see your prior classmates who are now
19 in ninth grade, did you see them during the school day?

20 A. Not as much. Not as frequently.

21 Q. What about playing sports, did they play sports in high
22 school?

23 A. Yes.

24 Q. And as an eighth grader were you able to play on the same
25 Gilman sports teams as them?

1 A. No.

2 Q. What about socializing in terms of like after school,
3 weekends, did that change at all in terms of your friends who
4 are now in the high school?

5 A. Yes.

6 Q. How was that for you?

7 A. Pretty tough, I'd say. Definitely tough.

8 Q. Can you tell me a little bit about what you mean when you
9 say tough?

10 A. Just difficult to, like, think about the guys that I grew
11 up with are now just doing things without me and stuff like
12 that.

13 Q. Did there come a point now in middle school that you
14 socialized with the Defendant, Chris Bendann?

15 A. Yes.

16 Q. Can you tell me, in what ways did you socialize with him?

17 A. Usually involving going to breakfast or hanging out at the
18 houses that he'd be house-sitting.

19 Q. Can you tell me a couple of places, you mentioned
20 breakfast, tell me a couple of the places you guys would maybe
21 go for breakfast?

22 A. Johnny's, Ms. Shirley's, Rise.

23 Q. Are you familiar with the Elkridge Country Club?

24 A. Yes.

25 Q. Was your family a member there?

1 A. Yes.

2 Q. Was the Defendant a member there?

3 A. Yes.

4 Q. Would you ever see him there at the pool or other aspects
5 of that club?

6 A. Yes.

7 Q. Did you consider him a friend in eighth grade?

8 A. Yes.

9 Q. Can you tell me about that relationship, your friendship?

10 A. I'd say -- he was -- he was just, like, we texted. I got
11 food in eighth grade. That's like a friendship I'd say. I
12 don't know.

13 Q. Did he have any nicknames for you?

14 A. Uh-Uh. Yes.

15 Q. What were they?

16 A. [REDACTED] and [REDACTED].

17 Q. [REDACTED] and [REDACTED]?

18 A. Yes.

19 Q. The nickname [REDACTED], did anyone else ever call you that?

20 A. Yes.

21 Q. Who?

22 A. My family.

23 Q. And does your family still call you that?

24 A. No.

25 Q. Why?

1 A. I told them to stop.

2 Q. Why?

3 A. Because it brought up bad thoughts.

4 Q. Did you have a cell phone while you were at Gilman?

5 A. Yes.

6 Q. How old do you think you were when you got one?

7 A. Thirteen or 14.

8 Q. Middle school?

9 A. Yeah.

10 Q. And what type of phone was it?

11 A. iPhone.

12 Q. And can you tell me the last four digits of your cell
13 phone number?

14 A. 0307.

15 Q. Did you have social media when you were at Gilman?

16 A. Yes.

17 Q. And what types of social media platforms did you use?

18 A. Snapchat, Instagram, Twitter.

19 Q. Let's start with Instagram. Was your Instagram profile
20 public or private?

21 A. Private.

22 Q. And for those of us who might not know, what does it mean
23 when your Instagram profile is private?

24 A. People can't see what's on your Instagram profile unless
25 you accept them to follow you.

1 Q. Is that a similar concept to being friends, I'm using air
2 quotes, but friends on social media?

3 A. Yes.

4 Q. And what about Snapchat, was your Snapchat profile public
5 or private?

6 A. Private.

7 Q. And can you explain how that works in terms of Snapchat of
8 your profile being public or private?

9 A. Similar. You need to accept anyone that requests to be
10 your friend on Snapchat.

11 Q. And if someone requests to be your friend, how -- what do
12 you do, or how do you make that person your friend or follow
13 them? Can you explain that process a little bit.

14 A. You just, it like pops up. It says so-and-so wants to be
15 your friend and you either hit "yes" or you hit "no."

16 Q. You either hit "yes" or hit "no"?

17 A. Uh-huh.

18 Q. Does Snapchat have a geolocation or a mapping aspect to
19 it?

20 A. Yes.

21 Q. Can you explain what that is?

22 A. It's part of the app and it shows the last time you were
23 on Snapchat where your location was.

24 Q. Like, location in terms of geographic location?

25 A. Yes.

1 Q. How specific is it?

2 A. Very specific when you're on the app.

3 Q. When you're on the app, okay. City and state?

4 A. Yes.

5 Q. What about country?

6 A. Yes.

7 Q. Is there something in Snapchat called stories?

8 A. Yes.

9 Q. What are stories in Snapchat?

10 A. They're something that you can put on your story and it
11 goes to everybody on your friends' list, not just an individual
12 person.

13 Q. And a story, is that something that's typed, a video, a
14 photo, something else?

15 A. All of the above. It can be anything.

16 Q. What is a streak?

17 A. It's a number next to somebody's name for how many
18 consecutive days that you've Snapchatted with someone.

19 Q. And when you say "Snapchat with someone," is that
20 different from what you were just saying about a story where
21 all your friends see it?

22 A. Yes.

23 Q. Can you tell me what it means when you Snap with somebody?

24 A. It's more individualized, like, just one person to another
25 person. Nobody else sees it.

1 Q. So if you and I were friends on Snapchat and I took a
2 picture of me and Ms. Hagan and send it to you, is that what
3 you're talking about?

4 A. Yes.

5 Q. And to keep a streak, what would then have to happen?

6 A. I would have to respond and we would go back and forth
7 continually for a certain amount of days.

8 Q. Okay. And for those who may not know, what kinds of
9 photos and things are sent to try to keep a streak going?

10 A. Just like selfies of yourself. If you're doing anything
11 cool, taking a picture of that, et cetera.

12 Q. Okay. To your knowledge did the Defendant, Chris Bendann,
13 did he have a cell phone?

14 A. Yes.

15 Q. What type of cell phone did he have?

16 A. iPhone.

17 Q. And you had seen it before?

18 A. Yes.

19 Q. Do you know if he had any social media accounts that you
20 were familiar with?

21 A. Yes.

22 Q. And what platforms?

23 A. Instagram, Snapchat, Twitter.

24 Q. Okay. And did you have access or did you know the
25 password to the Defendant's iPhone?

1 A. I did not.

2 Q. What about his Snapchat account?

3 A. No.

4 Q. What about his Instagram account?

5 A. No.

6 Q. And as you sit here today, can you recall what his
7 Instagram handle or name was?

8 A. Yes.

9 Q. What was it, if you recall?

10 A. It was either ckbend or ckbenda.

11 Q. What about Snapchat?

12 A. Those were the two names that he used. So it was vice
13 versa --

14 Q. Ckbend or ckbenda, one was to the other?

15 A. Yes.

16 Q. If we can bring up Government's Exhibit 122. It's going
17 to be right in front of you, [REDACTED].

18 Do you recognize this?

19 A. Yes.

20 Q. You've seen this before?

21 A. Yes.

22 Q. What do you recognize this to be?

23 A. Us meeting for breakfast, when I did breakfast.

24 Q. You've had an opportunity to see this entire packet, if
25 you look at the bottom it says it's 330 pages?

1 A. Yes.

2 Q. What is this entire 330-page document?

3 A. Text messages with me and the Defendant.

4 Q. With you and the Defendant. Okay. And if we can bring up
5 Government's Exhibit 156, please. Who is that?

6 A. That's me.

7 Q. If we could scroll to the next page, please. Who's
8 depicted -- you can start with the top photo. Who is depicted
9 in that top photo?

10 A. Avery Meyer to the right and then Wallace Halpert all the
11 way right.

12 Q. Let me do it this way, who's in the shirt that says "Shoot
13 Out For Soldiers"?

14 A. Wallace Halpert.

15 Q. Who has the orange hat on?

16 A. Avery Meyer.

17 Q. And who's in the center?

18 A. Mr. Bendann.

19 Q. The kid with the Gilman Show?

20 A. Oh, that's me.

21 Q. What about the photo right below that, who's depicted
22 there?

23 A. That's myself on the left and the young Charlie Halpert on
24 the right.

25 Q. A young Charlie Halpert. Is he related to the Wallace

1 Halpert you mentioned before?

2 A. Yes, it's his older brother.

3 Q. An older brother, okay.

4 Can we go down the next page. Who's that?

5 A. That's me.

6 Q. Approximately how old are you there, if you can tell?

7 A. Probably 14 or 15.

8 Q. Next photo. Who's that?

9 A. That's me.

10 Q. Can you tell where you are when you look at that
11 background?

12 A. Yes.

13 Q. Where is that?

14 A. Bill Bateman's.

15 Q. And tell me a little bit about Bill Bateman's?

16 A. A group of us would go for wing night. I forget the exact
17 day, but they used to have wing night one day a week, but we'd
18 usually go and get a crew together for it.

19 Q. And on wing night who -- when you say we, can you name for
20 me who you would commonly see with you at wing night?

21 A. Well, the Defendant would get a group chat going with a
22 bunch of kids and say, "Who's in for tonight?" And it would
23 usually be James Schloeder, myself, some of the older kids like
24 Charlie or Wade Oursler.

25 Q. Would there ever be any girls or girls that were friends

1 that were present?

2 A. Yes.

3 Q. If we can -- I think there might be one more, I can't
4 remember. Who's that?

5 A. That's me.

6 Q. And is this a photo of your learner's?

7 A. Yes.

8 Q. Do you recall whether or not the Defendant would house-sit
9 or babysit for families that you knew or friends that you knew?

10 A. Yes.

11 Q. Can you tell us some of the family names of people where
12 you knew house-sitting or babysitting occurred?

13 A. DeMuth, Halpert, Feiss, Stuzin, McCrickard.

14 Q. DeMuth's, Halpert, Feiss, McCrickard?

15 A. And Stuzin.

16 Q. And Stuzin. Thank you. Did he ever babysit or house-sit
17 for you, for you while you were there or for your family when
18 none of you were there?

19 A. No.

20 Q. Did there come a time when you started drinking alcohol?

21 A. Yeah.

22 Q. How old do you think you were when you started introducing
23 that sort of into your lifestyle?

24 A. Either 14 or 15 I'd say.

25 Q. And did your parents know about that at least initially

1 when you were 14 or 15?

2 A. No.

3 MS. MCGUINN: If we can bring up Government's
4 Exhibit 122, again, which is that 2015 chat. And if you can
5 scroll down to page 189, please.

6 BY MS. MCGUINN:

7 Q. While she's doing that, [REDACTED], are you familiar with
8 if I say the term "naked lap," what is that?

9 A. Yes.

10 Q. Can you tell the ladies and gentlemen of the jury what is
11 a naked lap? When I say that phrase, what does that mean to
12 you?

13 A. Either involving the hill at St. Paul School or Meadow
14 Wood Park. The Defendant would get a group of us together
15 after we had been out drinking and go to these places and make
16 us run a naked lap.

17 Q. Make you run a naked lap. So in your memory, who would be
18 present when you would run a naked lap?

19 A. Usually William Godine, Michael Brittingham, Jack Stuzin,
20 the Defendant and --

21 Q. How would you get to Meadow Wood or St. Paul School?

22 A. The Defendant would drive.

23 Q. Did you have your license at that point yet?

24 A. No.

25 Q. And whose idea was it?

1 A. Usually the Defendant's.

2 Q. When you would run a naked lap, if you could be specific,
3 how would you get to let's say St. Paul School? How would you
4 get to St. Paul School? What would happen when you got there?
5 If you could lead us to those events?

6 A. We would be out at a party or something, the Defendant
7 would pick us up. He would begin mentioning the naked lap.
8 And then we would be, like, all right, yeah, sure, whatever.

9 And then we would drive to St. Paul's and stop at, like,
10 the top of the hill or bottom of the hill. And he'd be, like,
11 all right, run. Like, stuff like that.

12 Q. What would you do with your clothing?

13 A. I'd leave it in the car.

14 Q. And the other guys, to your knowledge, would they leave
15 theirs in the car, too?

16 A. Yes.

17 Q. What does the hill at St. Paul, like, how long is that?
18 How long is that run?

19 A. It's a pretty big hill.

20 Q. Okay. I guess I'm trying to get an approximate time how
21 long would you be out there running is I guess what I'm getting
22 at?

23 A. For, like, couple minutes I'd say.

24 Q. Where would the Defendant be while you were doing this?

25 A. Usually at the top of the hill.

1 Q. Doing what?

2 A. Just watching.

3 Q. To your knowledge at St. Paul School did he ever -- was
4 that ever recorded in any way?

5 A. I'm not sure.

6 Q. Okay. So now that we have page 189 up, if you can take a
7 look at that. Starting towards the bottom you see a message in
8 blue that says "When are you running? I might actually come
9 and try to join you?" That is from August 6th of 2016. How
10 old are you in August of 2016?

11 A. Either 14 or 15.

12 Q. So quick math, you were born in 2001, right?

13 A. Yeah. 15.

14 Q. So in 2016 you're 15?

15 A. 15, yeah.

16 Q. That's fine. So this is August. What season or athletic
17 season are you heading into as a freshman in August of 2016?

18 A. Soccer.

19 Q. Would you have run or done some training prior to starting
20 for a soccer at Gilman as a freshman?

21 A. I probably should have but I didn't do much.

22 Q. Okay. In this part of the conversation, you see the
23 Defendant is asking you "When are you running? I might try to
24 come with you" and your response was "9:30." When you see this
25 part of the conversation, are we talking about naked running or

1 are we talking about regular running for exercises?

2 A. Regular running.

3 Q. We can scroll to the next page, please, Ms. Jarman. If we
4 can look at the rest of that conversation. Ms. Jarman, you
5 could highlight from the top down to "true" for me, please.
6 Thank you.

7 The second line in that, "You should have done your run
8 around Meadow Wood tonight," what does that reference to you?

9 A. The naked runs.

10 Q. Okay. When you wrote "I'm good." And it says "You could
11 have gotten all your eggs hatched," do you know what that means
12 when it says "all your eggs hatched," what's that in reference
13 to?

14 A. Getting it all done at once, I think. I don't know.

15 Q. Ms. Jarman, if we could clear that part, please, and go to
16 the bottom, last three.

17 If you look at that first line of the text from the
18 Defendant, "Except when you run Meadow Wood you don't have
19 pockets." What is that in reference to?

20 A. Being naked.

21 Q. Did you respond to him?

22 A. No.

23 Q. And that was in August of 2016. You finished eighth grade
24 that spring in 2016; is that right?

25 A. Yes.

1 Q. So you entered as a freshman in the fall of 2016?

2 A. Yes. '16, '17?

3 Q. September, sorry, September.

4 And in high school, to your recollection, did those naked
5 runs escalate into something else?

6 A. Yes.

7 Q. Can you tell us what happened and how it happened?

8 A. Yes. So --

9 Q. I'm going to ask you, I know this is difficult, if you
10 could kind of keep your voice up. You do have a very natural
11 low voice so just keep your voice up and pretend you have to
12 make me hear you all the way back here, okay.

13 A. Yes. So we'd be out at parties drinking and scared to
14 tell our parents that, like, we were out drinking, so we'd ask
15 the Defendant for a ride home just to -- because he had done it
16 before. Then it became an individual thing between myself and
17 the Defendant. And these turned into going to McDonald's to
18 get food and then just kept getting worse and worse.

19 Q. Let me stop you for one minute. When he would pick you up
20 at parties, you said it started to turn individual, meaning
21 just you and he would be in the car?

22 A. Yes.

23 Q. Would he pick you up from parties just you?

24 A. Yes.

25 Q. You said you would go to McDonald's. What time of day are

1 we talking that he would pick you up and go to McDonald's?

2 A. Any time past midnight usually.

3 Q. To your knowledge is the McDonald's you went to open 24/7?

4 A. Yes.

5 Q. Did you have a nickname or a funny way you referred to
6 McDonald's? Like the name of McDonald's, the restaurant if you
7 were referring to it in slang?

8 A. McDank's.

9 Q. And you just said that it would get worse and worse?

10 A. Yeah.

11 Q. Can you tell me what do you mean by that?

12 A. Yeah, so it started with just obviously like what we just
13 said, going to McDonald's. And then it turned into if we go to
14 McDonald's I had to be naked in the car. And then it turned
15 into after getting McDonald's while I was naked to go into a
16 parking lot. And then it turned into having myself -- or
17 having me touch myself. And then it turned into him touching
18 me and then this all started.

19 Q. Let's stop with what you just said for now. How old were
20 you when you said first it was you would have to be naked in
21 the car if you got McDonald's? How old do you believe you were
22 when that first started?

23 A. Fifteen.

24 Q. And then you said it progressed to you having to touch
25 yourself. Approximately how old were you when that progression

1 took place?

2 A. Fifteen.

3 Q. What about the next progression you describe which was him
4 touching you?

5 A. Same age, 15 probably.

6 Q. And if we're 15, 2016, you were a freshman, sometime
7 during your freshman year?

8 A. Yes.

9 Q. And to your knowledge was that behavior, those
10 interactions, ever recorded in any way?

11 A. Yes.

12 Q. And how was that done?

13 A. On his cell phone.

14 Q. And would you see his cell phone?

15 A. No.

16 Q. Did you know that you were being filmed?

17 A. No.

18 Q. And in instances where you had to touch yourself, be
19 specific, what were you touching and what were you doing?

20 A. Touching --

21 Q. Was it your private area?

22 A. Yes.

23 Q. You weren't touching your hair, right?

24 A. Oh, no.

25 Q. So your private area?

1 A. Yes.

2 Q. And what action or specifically what were you doing?

3 A. Rubbing it, like jerking off.

4 Q. Okay. That's fine. When you would do that, would you
5 ever hold your cell phone or do anything during those moments?

6 A. Yes.

7 Q. What would you do?

8 A. Watch porn.

9 Q. After you indicated him touching you, can you tell us what
10 that means? And, again, I apologize for being specific. I
11 just want to make sure we're not talking about touching your
12 hair. So when you say that, what do you mean by he would touch
13 you?

14 A. Private parts.

15 Q. Okay. Was it touching, masturbating, or something else?

16 A. All of the above.

17 Q. Where would that occur? Where did that first occur?

18 A. In the parking lot.

19 Q. Did there come a time where interactions were no longer in
20 a vehicle?

21 A. Yes.

22 Q. Can you tell me about that?

23 A. As we mentioned earlier, he would stay at people's houses
24 and he would pick us up from parties or pick myself up from
25 parties and say, all right, we're going to so-and-so's house,

1 wherever he was staying.

2 Q. Okay. Are those those houses you mentioned: McCrickard,
3 DeMuth, Feiss, Halpert, Stuzin? When you say the houses, is
4 that what you mean?

5 A. Yes.

6 Q. And do you have a recollection of those events at those
7 homes where anything specific would occur? Or where
8 specifically in the home things would occur?

9 A. Usually in the bathroom.

10 Q. What part of the bathroom?

11 A. The bathtub or the shower.

12 Q. And how old were you when the interactions between you and
13 the Defendant were now inside homes inside of bathrooms and
14 showers?

15 A. Fifteen or 16 at this point.

16 Q. To your knowledge were those interactions documented or
17 filmed in any way?

18 A. Yes.

19 Q. Ms. Jarman, if we can bring up Government's Exhibit first
20 204.

21 [REDACTED], in looking at this, do you recognize what
22 this is?

23 A. Yes.

24 Q. First let's start with this, who is it?

25 A. It's me.

1 Q. Do you see what you're wearing?

2 A. Yes.

3 Q. What is that?

4 A. Princeton shirt.

5 Q. Did you own a Princeton shirt?

6 A. Yes.

7 Q. Was that something you would wear to school or casually?

8 A. Casually.

9 Q. Where are you in this photo?

10 A. Defendant's car.

11 Q. What are you holding in your hand, if you can see it?

12 A. A private part.

13 Q. What about your other hand, not the black box but what's
14 in your other hand that's kind of on the upper side of the
15 scene?

16 A. Holding my phone.

17 Q. Is this something that we were talking about where you
18 would look at your phone?

19 A. Yes.

20 Q. If we can move to 205, please.

21 Do you recognize that person?

22 A. Yes.

23 Q. Who is that?

24 A. It's me.

25 Q. And again, where are you?

1 A. In the car.

2 Q. If we can move to 206.

3 Do you recognize that person?

4 A. Yes.

5 Q. Who is that?

6 A. It's me.

7 Q. We can move to -- I lost track of our number, I think
8 we're on 207. 207.

9 Do you recognize that person?

10 A. Yes.

11 Q. Do you recognize that bracelet on the arm?

12 A. Yes.

13 Q. Who is that?

14 A. That's me.

15 Q. And who is the other person in that -- off to the side in
16 that image?

17 A. The Defendant.

18 Q. What about, let's do the last one, 208.

19 Do you recognize that person?

20 A. Yes.

21 Q. Who is that?

22 A. That's me.

23 Q. You recognize the bracelet?

24 A. Yes.

25 Q. Do you know where you are in this photo?

1 A. Yeah.

2 Q. Where are you?

3 A. My bathroom at home.

4 Q. Your bathroom at home?

5 A. Yeah.

6 Q. In those images, five images I just showed you, do you
7 know how old you were -- we can clear that, thank you.

8 We'll start with the first one where you're in the
9 Princeton shirt. Do you know how old you were, approximately?

10 A. Fifteen or 16.

11 Q. Fifteen or 16.

12 What about the next video when we can kind of see your
13 bare chest?

14 A. Fifteen or 16.

15 Q. Okay. What about the next one where there's sort of a
16 green background shower?

17 A. Fifteen or 16.

18 Q. Okay. What about the one where we can see sort of your
19 profile and the Defendant's face?

20 A. Fifteen or 16.

21 Q. Okay. What about the last one that you said was your
22 bathroom?

23 A. Fifteen or 16 I'd say.

24 Q. Fifteen, 16. Did you see 17?

25 A. No.

1 Q. Is it possible you were 17 in some of those?

2 MR. NIETO: Objection, Your Honor. Asked and
3 answered.

4 THE COURT: It's leading. Sustained.

5 MS. MCGUINN: Okay.

6 BY MS. MCGUINN:

7 Q. [REDACTED], after these incidences began in the shower,
8 did you tell anyone about what was happening?

9 A. No.

10 Q. Why not?

11 A. Scared for people to know what was going on.

12 Q. Can you explain to me why you were scared of people
13 knowing what was going on?

14 A. Just -- I don't know -- being a kid that's being touched
15 by a teacher. It's not something you're proud of in a way.

16 Q. Did you have geolocation ability with the Defendant in
17 your connection on Snapchat?

18 A. Yes.

19 Q. What about just within your iPhone?

20 A. Yes.

21 Q. Can you describe your level of drinking as you looked at
22 those five photos? What do you recall about your drinking
23 level at that point in time?

24 A. Heavy.

25 Q. And why was that?

1 A. Because I knew what was happening after, after whatever
2 party I was at.

3 Q. Did you want to do these things?

4 A. No.

5 Q. Why did you?

6 A. Sorry?

7 Q. Why did you?

8 A. I got threatened.

9 Q. Tell me about that.

10 A. There were multiple times where I tried to say I want to
11 stop with all of this, and I'd be told that, like, he'd end up
12 exposing all of the pictures of myself naked to other people
13 and telling people what was going on.

14 Q. Were there times in some of the homes where those showers
15 were where other people might be present in the home for a
16 party or a gathering?

17 A. Yes.

18 Q. How would it come to be that you would be in a shower
19 while other people are in the home, that you recall?

20 A. Usually be, like, downstairs playing drinking games and
21 just get a text that said something along the lines of "come
22 upstairs."

23 Q. Did you feel you had a choice in that?

24 A. No.

25 Q. Why not?

1 A. Because I saw him, like, I mean, he was a strong guy.
2 Like, he -- I saw him hurt one of my friends so then I was,
3 like, all right, yeah, I got to go up there.

4 Q. Did you ever try to block or ignore him?

5 A. Yes.

6 Q. What would the result be?

7 A. He would somehow find a way to get to me whether it was
8 texting my friends, creating group chats with myself and
9 friends.

10 Q. You graduated Gilman in 2020?

11 A. 2020.

12 Q. That was COVID year, was it not?

13 A. Yes.

14 Q. Did you have a typical graduation experience, prom, full
15 walk-down, pomp and circumstance, all that stuff?

16 A. No.

17 Q. At Gilman is there such a thing as a retreat or senior
18 retreat?

19 A. Yes.

20 Q. Are you given anything in particular as part of your
21 Gilman experience that you can wear?

22 A. Yes.

23 Q. What is that?

24 A. It's this (indicating).

25 Q. Silver necklace?

1 A. Yeah.

2 Q. Is that -- clearly you still wear it today. When do you
3 get that?

4 A. At the end of senior retreat.

5 Q. At the end of senior retreat. Do you recall as you sit
6 here, in 2019, 2020, that senior year, when you went on your
7 senior retreat?

8 A. Sometime in the fall, I believe.

9 Q. In the fall?

10 A. Yes.

11 Q. After finishing college you went -- excuse me, I'm sorry.
12 After finishing high school you went to college, yes?

13 A. Yes.

14 Q. Where did you go?

15 A. [REDACTED].

16 Q. And what state is [REDACTED]?

17 A. [REDACTED].

18 Q. You started in the fall of 2020?

19 A. Yes.

20 Q. And even though that was COVID, did you still go to
21 campus?

22 A. Yes.

23 Q. And how was school situated for you in 2020?

24 A. Half remote, half in person.

25 MS. MCGUINN: Your Honor, looking at the clock, before

1 we get into college this might be a logical place.

2 **THE COURT:** Thank you. We'll stop now and take the
3 lunch break.

4 First of all, [REDACTED], you may step down and step out
5 of the courtroom and of course are required to return when
6 court resumes after lunch.

7 Ladies and gentlemen, it is time for us to take the midday
8 break. During this recess, do not discuss the case with
9 anyone. Do not discuss even among yourselves. Do not allow
10 yourselves to be exposed to any news articles or reports that
11 touch upon the case or issues it presents or any articles or
12 reports that relate to any of the participants in the case.
13 Avoid all contact with any participants in the trial. Do not
14 make any independent investigation of the law or the facts of
15 the case. Do not look up anything on the internet. Do not
16 consult an encyclopedia or a dictionary.

17 We will resume at 10 minutes past 2:00. That's an hour
18 and 10 minutes from now. Take the jury out.

19 (Jury exits at 1:00 p.m.)

20 **THE COURT:** Be seated, please. Private channel.

21 (Whereupon, the following conference was held at the
22 bench:)

23 **THE COURT:** Counsel, for scheduling purposes, this is
24 to advise you that the Court will not sit next Friday all day.

25 The next portion of this proceeding is under seal.

1 they were all displayed in the gallery.

2 I take it then that there must be more graphic images to
3 come and it will be with respect to those that you're going to
4 request the special procedure that we agreed on pretrial?

5 MS. MCGUINN: Yes, Your Honor. As to those redacted
6 images, they were meant for ID only which is why they were
7 somewhat tamed, for lack of a better word.

8 THE COURT: And some of them had parts of the body
9 obscured?

10 MS. MCGUINN: Yes.

11 THE COURT: Right.

12 MS. MCGUINN: But as to the actual videos, those will
13 be played through Special Agent Calista Walker. That will not
14 be until at least Monday. And we will have -- take a break.
15 I'll make sure that Your Honor knows so that we can set the
16 courtroom in the appropriate way --

17 THE COURT: Right.

18 MS. MCGUINN: -- and then we'll proceed with her.

19 I have no other images that I'm showing this witness that
20 are like the ones we just saw or anything remotely close to
21 that.

22 THE COURT: Okay. Any questions on the defense side?

23 MR. NIETO: No, Your Honor.

24 THE COURT: Are we ready for the jury, Mr. Nieto?

25 MR. NIETO: Yes, Your Honor.

1 THE COURT: Are we, ma'am?

2 MS. MCGUINN: Yes.

3 THE COURT: Let's bring them in.

4 (Whereupon, the bench conference was concluded.)

5 THE COURT: Bring the jury in. And where's the
6 witness? You can bring him back into the courtroom.

7 MS. MCGUINN: Thank you, Your Honor.

8 (Witness enters.)

9 THE COURT: ██████████, you may resume the stand and
10 you remain under oath. You can be seated and we'll all stand
11 when the jury comes in.

12 THE CLERK: All rise for the jury.

13 (Jury enters at 2:21 p.m.)

14 THE COURT: Be seated, please. Ladies and gentlemen,
15 you'll remember that when we took the lunch break ██████████
16 was on the witness stand and was under direct examination by
17 Ms. McGuinn. The witness remains under oath and, Ms. McGuinn,
18 you may continue.

19 MS. MCGUINN: Thank you, Your Honor.

20 BY MS. MCGUINN:

21 Q. ██████████, when we broke for lunch I had just started to
22 ask you about college, and I believe you said you attended
23 ██████████ and that you started in the fall of 2020; is that
24 correct?

25 A. Yes.

1 Q. Did you attend [REDACTED] on any sort of scholarship?

2 A. Yes.

3 Q. For what?

4 A. [REDACTED].

5 Q. What was your major while you were attending [REDACTED]?

6 A. Finance.

7 Q. Did you have a roommate or close friend at [REDACTED] with
8 the first name of Pat?

9 A. Yes.

10 Q. What's Pat's last name?

11 A. Ciquera.

12 Q. Is that someone you knew prior to attending [REDACTED]?

13 A. Yes.

14 Q. So he was not someone in your Gilman time frame or anyone
15 that the Defendant knew from the time of Gilman?

16 A. No.

17 Q. Did you meet anyone in particular your first week of
18 school?

19 A. Yes.

20 Q. Who was that?

21 A. My girlfriend, [REDACTED].

22 Q. Again, for the record that's [REDACTED]; is that
23 correct?

24 A. Yes.

25 Q. Did you begin dating her that first week or did that come

1 later?

2 A. Later.

3 Q. When you began attending ██████████, did the Defendant
4 maintain contact with you?

5 A. Yes.

6 Q. How? In what way?

7 A. Text messages, Snapchat.

8 Q. Can you describe the nature of the text messages and
9 Snapchat?

10 A. Hostile. I'd say, like, threatening in a way.

11 Q. Can you explain what you mean?

12 A. It wasn't a two-way street. Like, I was kind of forced to
13 maintain contact in a way, I'd say.

14 Q. When you say "forced," what was the nature of the force,
15 and what would happen if you resisted that force?

16 A. The -- sorry, repeat that.

17 Q. What was the nature of the force? How did you feel
18 forced?

19 A. Just, like, continuous messages when I wasn't responding
20 or finding some way to get in contact with me.

21 Q. Okay.

22 A. And if I wouldn't respond after periods of time he would,
23 like, take pictures of, like, what he was doing to try to get
24 into contact with my new friends that I was just meeting at
25 ██████████. And sent me other stuff.

1 Q. Did you try to maintain a -- I hesitate to use the word
2 "normal" but a normal or typical friendship with the Defendant
3 during your years at [REDACTED]?

4 A. Yes.

5 Q. Describe, if you can, what is a typical, again, using the
6 word "normal," what did that mean to you? What were you trying
7 to do?

8 A. Trying to stop what was going on. Other than what was --
9 like, other than -- trying to stop, like, the sexual parts of
10 it and just, like, occasionally check in like you would with
11 regular hometown friends. Just to, like -- I don't know, try
12 to go that direction.

13 Q. Okay. And were you successful?

14 A. No.

15 Q. If I say the phrase to you "making a deal" in this
16 context, what does that mean?

17 A. Eventually it would get to a point where I was, like, this
18 has to end. And in order to do that the Defendant would make
19 us go through deals to get back to being normal friends
20 involving sexual implications. And once those were done, like,
21 the whole idea was to go back to a normal friendship and
22 everything would end.

23 Q. So can you tell me or give me an example of when you say
24 "a deal" that was made to try to go back to a normal
25 friendship, what would that deal entail?

1 A. Something like, I'd have to hang out with him naked two
2 times. I'd have to send him X amount of naked pictures. I'd
3 have to Snapchat him 15 times a day or something. Like, all of
4 those are kind of examples.

5 Q. And with regard to those deals, were they ever
6 satisfactory?

7 A. No.

8 Q. And how do you know they weren't satisfactory?

9 A. Because everything continued, and he'd say that they
10 weren't.

11 Q. Okay. Were you ever given instructions as to how to
12 behave or attitude you should have in sending pictures or
13 complying with these deals?

14 A. Yes.

15 Q. Can you describe what was said or done?

16 A. I'd have to be happy, smile in the pictures, make it seem
17 like I wanted to be doing this. Anything that the Defendant
18 wanted he'd say I had to do or else the deal wouldn't go
19 through.

20 Q. And if the deal didn't go through, then what?

21 A. You would have to make a new one. He'd threaten until you
22 made a new one.

23 Q. In those responses about the deals perhaps not being
24 satisfactory, did you ever witness the Defendant getting angry
25 with you?

1 A. Yes.

2 Q. And how would you know that he was angry?

3 A. Text messages, phone calls, making fake Instagram
4 accounts. Making fake Twitter accounts. All of the above.

5 Q. When you would go home for school breaks -- so, I presume,
6 did you get a fall break?

7 A. Yeah.

8 Q. Did you get a Christmas break or winter break?

9 A. Yes.

10 Q. When you would go home for those types of breaks, would
11 you see the Defendant in person?

12 A. Yes.

13 Q. Under what circumstances?

14 A. Necessity, like, had to do it or else --

15 Q. [REDACTED], I just want to make sure I understand. When
16 you say you had to do it, if you didn't what was the
17 consequence?

18 A. A million different things, like, whatever he was feeling
19 that day. Whether it was, like, exposing everything to people.
20 Sending pictures in an envelope unanimously to my parents,
21 friends. Reaching out to anyone that I got close to.

22 Q. When you would see him over breaks, you had mentioned the
23 Elkridge Country Club. Do you guys have a nickname for that,
24 like if you were going to meet there what you would call it?

25 A. Elk. Is that it?

1 (Laughter.)

2 Q. I'm asking you. Is that what you would sometimes refer to
3 it as?

4 A. Probably Elk, yeah.

5 (Laughter.)

6 Q. And you had mentioned that he had -- he would sometimes
7 make a fake Instagram account?

8 A. Uh-huh.

9 Q. Do you remember what the handle or name of that fake
10 Instagram account was?

11 A. Something along the lines of [REDACTED].

12 Q. Ms. Jarman, if we could re-pullup Government Exhibit 221,
13 page 168, please.

14 Do you recognize this?

15 A. Yes.

16 Q. What is that?

17 A. That's the Instagram account.

18 Q. In the profile, what I call a profile photo at the top
19 where the plus sign is, what is that?

20 A. My belly button and below.

21 Q. And at the bottom of the screen, you can see portions of
22 three photos. Do you recognize those?

23 A. Yes.

24 Q. Starting let's say with the middle one, who is that?

25 A. That's me.

1 Q. Do you know what the full photos of those look like?

2 A. Yes.

3 Q. Can you just describe what's depicted in those three
4 photos in general terms?

5 A. Yes. On the left a private part on an Xbox controller.
6 In the middle it's probably just a picture of me naked in bed.
7 And then on the right I can't really tell on the right.

8 Q. Okay. The one in the middle, why are you smiling?

9 A. Forced. Or told I needed to smile in the pictures.

10 Q. Ms. Jarman, can you go to Page 141 of the same exhibit.
11 We can see a little more clearly those same three?

12 A. Yes.

13 Q. Can you tell, looking at the one at the far right, can you
14 tell what that is?

15 A. Yes.

16 Q. What is that one?

17 A. My girlfriend.

18 Q. Do you know where she is and what she's doing?

19 A. It's in my room and it looks like it's my dog in the
20 background --

21 Q. Like where her hand is, it looks like your dog?

22 A. Yes.

23 Q. What kind of dog?

24 A. Golden Retriever.

25 Q. Okay. And with regard to -- you can clear the screen.

1 Thank you, Ms. Jarman.

2 With regard to that [REDACTED], I'm going to say the same word
3 that you did, how and when would you see that page come up?

4 A. He'd -- if I wasn't responding, he'd request to follow
5 either my girlfriend or Pat on Instagram with that account.

6 Q. And is there a way with [REDACTED], like Instagram pages you
7 described before, to make that private or public?

8 A. Yes.

9 Q. And how is that done when you were shown the [REDACTED] page?
10 Was it ever made public?

11 A. Yes.

12 Q. And how do you know that?

13 A. Because he would say that it went public.

14 Q. And what did that mean to you? If it's public, what could
15 happen?

16 A. Anybody could stumble upon it and see it.

17 Q. If you tried blocking him on social media or ignoring his
18 texts in college, would that same thing you described earlier
19 about trying to contact your friends occur?

20 A. Yes.

21 Q. Is there something in Snapchat, you mentioned earlier,
22 called a streak, right?

23 A. Yes.

24 Q. If you can just -- because we all had lunch -- can you
25 explain again what a streak is in terms of Snapchat with

1 relationship with another friend on Snapchat?

2 A. It's how many days straight that you Snapchat with
3 someone.

4 Q. Did you have a Snapchat streak with the Defendant?

5 A. Yes.

6 Q. And can you describe what, if any, preoccupation he had
7 with a Snapchat streak with you?

8 A. Like, obsessive in a way. I'd say he cared about it more
9 than anything I'd say.

10 Q. What about your other agemate friends, did they care about
11 it?

12 A. Not really.

13 Q. With that, in the Snapchat app, is there something called
14 a Best Friends List?

15 A. Yeah.

16 Q. What is that?

17 A. It's a list of eight people that you Snapchat the most
18 throughout your day.

19 Q. Was the Defendant aware of a Best Friends List on your
20 Snapchat?

21 A. Yes.

22 Q. And what, if any, concerns did he have about that?

23 A. He wanted to be at the top of it or somewhere near the
24 top.

25 Q. To your knowledge, did he have any -- with that [] [] [] [] []

1 page -- any contact with your friends that you saw?

2 A. Yeah.

3 Q. And who was contacted with that [REDACTED] page that you saw?

4 A. My girlfriend and my best friend.

5 Q. And your best friend is? I just want to make sure we're
6 talking about the right person.

7 A. Pat.

8 Q. He's the friend from [REDACTED], not from Gilman?

9 A. Yes.

10 Q. In fact, just what state is Pat from?

11 A. Connecticut.

12 Q. Ms. Jarman, if we could pull up Government's Exhibit's
13 228.

14 [REDACTED], did you have Venmo?

15 A. Yes.

16 Q. Did the Defendant have Venmo?

17 A. Yes.

18 Q. In looking at this, if we can scroll to the next page,
19 were you ever sent money via Venmo from the Defendant?

20 A. Yes.

21 Q. Can you describe the circumstances. Let me strike that
22 for a second.

23 First, tell me some legit circumstances when you would
24 receive Venmo?

25 A. Not involving this?

1 Q. Sure.

2 A. If you went out to dinner with someone and your friend
3 bought you food you would Venmo them for the food they bought
4 you.

5 Q. Now looking at this, under what circumstances would you
6 and the Defendant exchange money over Venmo?

7 A. If I knew that I was going over to his place or wherever
8 he was staying and I would ignore him for a while, I thought
9 that it was going to be bad anyway so I might as well make some
10 money off of it.

11 Q. So, Ms. Jarman, if we could highlight those first three
12 April.

13 So in April of 2019 -- and I'm going to do the quick math
14 for you. You're born in 2001, so in April of 2019 how old are
15 you?

16 A. Eighteen.

17 Q. When you see this "for an incomplete deal," what is that?

18 A. Deal wasn't complete.

19 Q. Tell me what you mean by what deal? What kind of deal?

20 A. One of the deals that was talked about earlier that we
21 made.

22 Q. Involving the sending of images?

23 A. Yes.

24 Q. And what about "Just unblock me and we won't have to talk
25 until Friday night," what is that?

1 A. To unblock him on whatever I had blocked him on and his
2 way of justifying that is that he won't talk to me until Friday
3 night and he'll leave me alone as soon as I unblock him.

4 Q. Is that an example of a deal?

5 A. No.

6 Q. Is that sort of a bargain?

7 A. Yes.

8 Q. Thank you, Ms. Jarman. You can unhighlight that portion.

9 If we can go to March 17th at the bottom of the page,
10 Ms. Jarman. You can highlight all of those. Thank you.

11 These are from January and March of 2020. So this is
12 you're still a senior in high school?

13 A. Yes.

14 Q. And on March 17th it says, "Block me on everything and we
15 will go back to me asking your friends to text you and if you
16 don't respond I will send out our stuff."

17 Can you tell me what that means?

18 A. I blocked him on one or two things and this is his way
19 of -- because I probably blocked him on Snapchat and text
20 messages so this was his last resort of getting into contact
21 with me. So he said if you do this, another threat, that he'll
22 text my friends and then he'll send out everything, all of the
23 naked pictures.

24 Q. And the next one, "Respond."

25 A. Another.

1 Q. And the next one, "I'm done with your bullshit, fix text,
2 respond on Snap. My next step is to have your friends text
3 you. Hope you're ready for that."

4 A. Pretty similar to the first one. Yeah.

5 Q. "My next step is to contact Emma."

6 Who is, you don't have to give last names, who is Emma,
7 and who was she in March of 2020?

8 A. She was a girl that I was interested in.

9 Q. Was she a high school student as well?

10 A. Yeah.

11 Q. At a different school obviously since Gilman is all boys?

12 A. Yes.

13 Q. Did the Defendant know that you were interested in her?

14 A. Yes.

15 Q. Were you interested in her romantically?

16 A. Yes.

17 Q. ██████████, would you ever do anything to return the
18 Defendant's affections for you?

19 A. Yes.

20 Q. Can you tell me what you would do?

21 A. Touch him or send him text messages that made it seem like
22 I was also interested.

23 Q. And why would you do that?

24 A. The Defendant said that in like whatever deal we made that
25 that was a part of it. Stuff like that.

1 MS. MCGUINN: Ms. Jarman, if we could bring up
2 Government's 209, please.

3 BY MS. MCGUINN:

4 Q. Take a minute to look at that. Do you recognize the
5 picture in the profile at the top?

6 A. Yes.

7 Q. Who's that?

8 A. That's me.

9 Q. You as an over-18 adult?

10 A. No.

11 Q. Have you seen this before?

12 A. Yes.

13 Q. Have you seen this before, it's been shown to you; is that
14 right?

15 A. Yes.

16 Q. And can you describe -- first of all, I guess I should
17 say, in looking at it can you orient yourself who is this text
18 between?

19 A. Me and the Defendant.

20 Q. And of the two, I'm going to call them bubbles, which
21 color are you?

22 A. Gray.

23 Q. Okay. Do you have -- looking at this as it is just by
24 itself, do you have any idea the date of this or the
25 approximate time frame? High school, college, something else?

1 A. High school.

2 Q. And what is occurring in this conversation?

3 A. He's asking me how do I get or how does he get me? And by
4 the looks of it -- I was probably intoxicated with the
5 misspellings -- "but for me it's about getting jealous,"
6 like -- that's something else.

7 Q. And it says "Getting you jealous of what?" And when you
8 write, "If you fire with someone else." What does that turn of
9 phrase mean, "if you fire with someone else"? What does that
10 term mean to you when you write that?

11 A. I think it's probably just a misspelling.

12 Q. Okay. What message were you trying to convey "if you fire
13 with someone else"?

14 A. If I -- if you, like, mess with somebody else then, like,
15 that makes me want you more. Like, something like that.

16 Q. Can we scroll to the next page, please. Just take a
17 second to orient yourself. Have you seen this one before?

18 A. Yes.

19 Q. Again, same question, which color bubble are you?

20 A. Gray.

21 Q. Which color bubble is the other person?

22 A. Blue.

23 Q. Who are you texting?

24 A. The Defendant.

25 Q. And it starts with, "You're on Snap now." And your

1 response is, "Get me McDank's, touch my dick." First, what is
2 McDank's? We sort of talked about that before.

3 A. McDonald's.

4 Q. You wrote "touch my dick," what does that mean?

5 A. Like, in the deals it was I had to set up these things a
6 certain amount of times. I had to make it seem like I really
7 wanted to go. That's just the way of setting it up.

8 Q. And at the bottom he's telling you to "Read Snap," again,
9 "Read Snap." Can you describe what was happening there?

10 A. Side -- side text to that, he probably didn't want to see
11 as evidence because Snap chats go away.

12 Q. So let's talk about that for a second because we didn't
13 before. Tell me about Snapchat in terms of its permanency?

14 A. You have the option to save stuff but Snapchat goes away
15 after it's opened unless somebody decides to hit save for it.

16 Q. So if you and I were sending say, again, I'll use this
17 example. I take a picture of me and Ms. Hagan, and I send it
18 to you, does it stay on your phone forever?

19 A. No.

20 Q. Can you make it stay on your phone forever?

21 A. Yes.

22 Q. How?

23 A. If you hit the save button on it, but the other person
24 knows that you hit save on it.

25 Q. So if you hit save I will know you have kept my photo?

1 A. Yes.

2 Q. Is there sort of a workaround or a way to keep a Snapchat
3 someone sends you without letting the other person know?

4 A. No.

5 MS. MCGUINN: Thank you, Ms. Jarman.

6 BY MS. MCGUINN:

7 Q. [REDACTED], at the end of your sophomore year did you
8 return home from [REDACTED]?

9 A. Yes.

10 Q. What was your status in terms of dating with [REDACTED] at that
11 point at the end of your sophomore year?

12 A. We had just started dating.

13 Q. Did you have plans to travel anywhere for school during
14 that particular summer?

15 A. Yes.

16 Q. And where were you going to be going?

17 A. London.

18 Q. Do you recall where you were going to be in London in
19 terms of schooling?

20 A. Yes, London School of Economics.

21 Q. Prior to traveling to London, so when you got home from
22 [REDACTED], prior to going that summer did you and [REDACTED] see each
23 other?

24 A. Yes.

25 Q. Did [REDACTED] travel to Baltimore to see you?

1 A. Yes.

2 Q. And did you go to her home?

3 A. Yes.

4 Q. And can you tell us where does she live, just in general,
5 in terms of what part of the United States?

6 A. Connecticut.

7 Q. While you were visiting her, did you go into New York City
8 at all?

9 A. Yes.

10 Q. For what purpose?

11 A. A Yankee's game.

12 Q. Even though you're clearly an Oriole's fan, I hope?

13 A. Yes.

14 Q. Okay, great.

15 MS. MCGUINN: Ms. Jarman, can we please pull up 221.

16 And if we could please go to page 88.

17 BY MS. MCGUINN:

18 Q. [REDACTED], I should have showed you at the beginning.

19 This is -- we show this earlier before lunch. This is that big
20 chat in 2022, just to remind you what you already described.

21 Showing you -- if we could highlight the bottom third
22 there, Ms. Jarman. The bottom third. Thank you.

23 The words, the one that begins with "let me tell you," do
24 you recall that?

25 A. Yes.

1 Q. That was sent on June 7th of 2022?

2 A. Uh-huh.

3 Q. Can you describe what was going on in the context of this
4 particular portion of the text message?

5 A. I was going to see my girlfriend in Connecticut. And he
6 was saying that if I don't see him a shit ton he's going to
7 unleash hell, "ducking hell."

8 Q. It says "ducking" but.

9 A. Yes.

10 Q. What do you understand that to mean?

11 A. All of the threats that he said, sending stuff out.

12 Q. What did you need to do?

13 A. See him. I had to see him.

14 Q. Did you, in fact, see him before you went to see [REDACTED]?

15 A. No.

16 Q. Showing you page 96. This is still on June 7th. Can we
17 see the bottom of the bottom three, the gray ones, please,
18 Ms. Jarman.

19 This is a few hours later. When it says, "Guess we'll see
20 if anyone notices your tag before 7. Tired of your shit."
21 What do you understand when it says "guess if anyone sees your
22 tag"?

23 A. If you put, like, a username on something on Instagram,
24 that is a tag of tagging somebody and people can see that.

25 Q. If we can go, Ms. Jarman, to page 104. After the "still

1 here," if you can highlight that bottom part, please.

2 And this is still on June 7th about 20 minutes later.

3 He's asking for a video, is that fair?

4 A. Yes.

5 Q. And that middle one, what is, do you understand happened
6 between "where's my video" and "no volume." You can take a
7 moment to read it so you can answer.

8 A. So I had sent him a video and I had sent it with no volume
9 and only mediocre to him. But then he's saying when I come
10 tonight I have to do anything, and I have to do it with a good
11 attitude.

12 Q. Okay. And is this in line of what you were discussing
13 before about deals?

14 A. Yes.

15 Q. And being told how to act?

16 A. Yes.

17 Q. Ms. Jarman, if we could move on to page 107. If you can
18 highlight the top two gray. Thank you.

19 This is still on June 7th, this is now a few hours later.
20 "Hurry up. Strip fully in car. You can bring your clothes but
21 you need to be naked now."

22 What happened?

23 A. I went wherever he was, and he's asking for more, for me
24 to get fully naked and walk in fully naked.

25 Q. If we can go to page 129, please. If you can highlight

1 the middle three gray ones.

2 This is on June 10th, do you recall driving up to see
3 [] [] [] [] [] ?

4 A. Yes.

5 Q. What's occurring in these messages to you?

6 A. In our deal he told me to send a good video. Something he
7 wanted. And I didn't do it and thought that I could just get
8 in the car and go to Connecticut and forget about doing that
9 and he clearly wasn't too happy about it. Asking if I can send
10 videos from a rest stop. Asked me not to mess this up. It's
11 fucked.

12 Q. Page 133, please, Ms. Jarman. Those, all of the gray ones
13 at the bottom, please.

14 When it says "Cool, just passed the travel plaza in
15 Jersey," what do you understand is happening there?

16 A. He's stalking my location.

17 Q. How?

18 A. Either on Snapchat or on the phone location.

19 Q. Okay. And at the bottom, if you can read that to
20 yourself: "Enjoy" -- especially the end, "Enjoy explaining
21 your picks on Insta to [] [] [] [] [] ." What do you understand that?

22 A. He's using the fake Instagram account to contact her.

23 Q. We can go to page 154.

24 While you were up in Connecticut, is that the first time
25 meeting Riley's family?

1 A. Yes.

2 Q. Have you ever met her mom and dad before?

3 A. Yes.

4 Q. Without names, does she have siblings?

5 A. Yes.

6 Q. Did you get to meet them too?

7 A. Yes.

8 Q. On your night there, did you all go anywhere?

9 A. Yes.

10 Q. Where did you go?

11 A. I went out to dinner.

12 Q. Do you recall receiving text messages from the Defendant
13 while you were at dinner?

14 A. Yes.

15 Q. If you can orient yourself to this. Who is texting you?

16 A. The Defendant.

17 Q. If we can scroll down even to the next page, Ms. Jarman.

18 Do you recall these text messages coming to you while you
19 were at dinner with her family?

20 A. Yes.

21 Q. At the top it says, "I have to send to [REDACTED] now because
22 you won't deal with this."

23 What do you understand that to mean?

24 A. It's my fault for all of this happening so the only
25 reasonable thing for the Defendant to do is to send pictures to

1 my girlfriend of me naked.

2 Q. Can we scroll to the next page, please.

3 "Fuck boy, answer. Fucking answer my text. You are about
4 to throw out everything."

5 What is throw out everything?

6 A. Throw out everything, he thought that, like, our
7 relationship was or life.

8 Q. To you, was this a relationship?

9 A. No.

10 Q. "Okay. I warned you. This is it. 10, 9, 8" -- can we
11 scroll to the next page -- "7, 6, 5, 4, 3, 2, 1."

12 Do you recall your phone buzzing at this time?

13 A. Yes.

14 Q. And at the bottom, "Okay. Sorry, I gave you a second
15 chance and you didn't want it."

16 What did you understand was happening?

17 A. He thought that this was a second chance and that I would
18 send him whatever he wanted.

19 Q. Okay. Can we --

20 A. Clearly didn't.

21 Q. -- go to the next one.

22 "Sorry you started this, it's not too late. But you have
23 to act fast. Just sent her the 'hi.'"

24 What do you understand happened there?

25 A. You can DM people on Instagram. And he DM'd her saying

1 "Hi."

2 Q. Next page, please. And who is that?

3 A. That's her Instagram page.

4 Q. What do you understand a DM to be? Just in case people
5 don't know.

6 A. Just -- well, it's direct message. So it's just a message
7 you send to somebody else's account from yours.

8 Q. We can clear the page. Thank you, Ms. Jarman. If we can
9 go to page 195 of that exhibit. I'm sorry.

10 If you take a minute to orient yourself. This is about
11 four days after the dinner text on June 14th. If you just take
12 a moment to orient yourself.

13 If we start at the second line, "Maybe if I just send Pat
14 or [REDACTED] a little message."

15 What do you understand that?

16 A. Another threat that we talked about earlier, girlfriend
17 and best friend.

18 Q. "Or Wallace before you head to London."

19 A. Me and Wallace were going to live together in London for
20 London School of Economics.

21 Q. And you respond to him that you're eating and you'll be
22 over. And his response to you is, "Hurry up. Anything goes.
23 Text when you get here but you know what you have to do before
24 getting out of your car."

25 What do you know that to mean?

1 A. Be naked before you get out of the car.

2 Q. McCrickards, who is that?

3 A. The house that he would house-sit.

4 Q. Do you know those individuals personally?

5 A. I do not.

6 Q. You just know their name and their home?

7 A. Yes.

8 Q. You knew where to go?

9 A. Yeah.

10 Q. Would he babysit there with some frequency?

11 A. Yeah.

12 Q. So this was not your first time going there?

13 A. No.

14 Q. Okay. Scrolling to the next page, please.

15 "Bring shirt. Leave clothes in car. You can bring your
16 shirt in but walk in naked and put it on for the picture."

17 Is that consistent with what you recall happening that
18 day?

19 A. Yes.

20 Q. And do you recall going to the McCrickards?

21 A. Yes.

22 Q. On those occasions -- you can clear the screen, please.

23 When you would go to the McCrickards home or when you
24 would go to the DeMuth's home at this time in 2022, what would
25 happen when you went there?

1 A. I would go -- go straight upstairs to, like, the bathroom.
2 He would tell me to, like, get in the shower and he'd, like,
3 wash me off and start touching me so . . .

4 Q. Okay. That was around June 14th, approximately how long
5 after that do you think you went to London?

6 A. Maybe one or two weeks I'd say.

7 Q. How long were you in London for, the class you took at the
8 School of Economics?

9 A. Three and a half weeks.

10 Q. I think you mentioned this, but who did you live with
11 while you were there?

12 A. Wallace and then two friends from [REDACTED] and their
13 friends from home.

14 Q. And Wallace is Wallace Halpert?

15 A. Yes.

16 Q. Did he attend [REDACTED] or go to a different school?

17 A. He went to a different school.

18 Q. While you were there, did your girlfriend [REDACTED] also
19 attend a class that summer?

20 A. Yes.

21 Q. Who did she live with? You don't necessarily have to say
22 names but who were those people?

23 A. [REDACTED] girls.

24 Q. Did you spend a lot of time with her while you were in
25 London?

1 A. Yes.

2 Q. Did you have an iPhone with you while you were traveling?

3 A. Yes.

4 Q. The one with that same phone number we talked about
5 before?

6 A. Yes.

7 Q. And did anything happen to your iPhone?

8 A. Yes.

9 Q. Can you describe what happened?

10 A. On the second night we were out to dinner and somebody
11 put, like, a magazine on the table and just swiped it.

12 Q. Who were you at dinner with?

13 A. [REDACTED].

14 Q. When the magazine went down, did you have any idea what
15 was happening?

16 A. No, I didn't.

17 Q. When it went up it was gone?

18 A. Yes.

19 Q. Did you have any other alternative to your iPhone that
20 would allow you to have internet access or access to your
21 iCloud/iPhone type of information?

22 A. Yes.

23 Q. What did you have?

24 A. An iPad.

25 Q. Your iPad, does it have its own cellular service or

1 Wi-Fi-only device?

2 A. Wi-Fi.

3 Q. In terms of that, we kind of saw in those text messages,
4 but is that your iCloud address?

5 A. Yes.

6 Q. That is your iCloud name?

7 A. Uh-huh.

8 Q. If we can -- did there come a point in time that something
9 changed with regard to [REDACTED] and that iPad?

10 A. Yes.

11 Q. Can you tell us what happened?

12 A. I was at her place and then I was going out for the day
13 with my friend. I left my iPad there.

14 Q. And I just want to make sure we're clear, there meaning
15 London?

16 A. Yeah, at her place in London.

17 Q. Okay, great.

18 A. And then we were in the car and I received a call or my
19 friend received a call on his phone from [REDACTED] and said, "Hand
20 it to [REDACTED]," and said, "I found everything. We're done."

21 Q. If you can pull up 221 if you get a moment, page 246.
22 When you got passed that phone and heard her voice that
23 message, can you describe your reaction?

24 A. Just like freaking out, I'd say. Just frantic. Scared.

25 Q. Why were you frantic and scared?

1 A. I thought secret -- my secret was out about everything.

2 Q. And how did you handle that? She called you, what
3 happened next?

4 A. I went to her place and talked to her and revealed
5 everything.

6 Q. What did you explain to her about what she saw?

7 A. That -- that I had been getting sexually abused for five
8 years, six years and been scared shitless and didn't know what
9 to do.

10 Q. Did you tell her -- is what you told her the truth?

11 A. Yes.

12 Q. Did you lie to her at all?

13 A. Yes.

14 Q. What did you lie to her about?

15 A. That it was stopping or -- yeah, stopping.

16 Q. How did you handle this in terms of the Defendant and
17 [REDACTED] now having knowledge?

18 A. I thought in a way it would stop everything. Maybe
19 calling his bluff that now that somebody knows maybe he'll stop
20 but he just didn't.

21 Q. And you have in front of you this is again Government's
22 221, page 246, if you can orient yourself.

23 At the time that the iPad was discovered, had you gotten
24 yet a new iPhone?

25 A. Yes.

1 Q. You did get one and were there any issues with it?

2 A. Yes.

3 Q. What were those?

4 A. It only worked in London because it only had a London SIM
5 card.

6 Q. Okay. A London SIM card?

7 A. Yes.

8 Q. If you look at this from June 21st, what do you recognize
9 happening here?

10 A. This is right after I got back -- after I got the call
11 probably, and I asked him what did he do.

12 Q. Okay. Can you scroll down to the next page, please.

13 When you wrote, "She goes, 'I know who Mister is,'" how
14 did you have the Defendant saved in your icloud, or excuse me,
15 in your iPad?

16 A. His contact was just Mister.

17 Q. Can you scroll to the next page, please.

18 Can you scroll to the next page, please.

19 And the next one, please. One more. One more. Sorry.

20 One more. Sorry, we have to get past images, I apologize.

21 Is that your text, "Holy shit, [REDACTED] just said she saw
22 everything on my iPad."

23 A. Yes.

24 Q. And how would you describe the Defendant's reaction when
25 you told him that?

1 A. Clueless to, like, what's going on.

2 Q. Can we scroll down another page.

3 When you say "Relax, I'm going to talk to her." What is
4 the context of that? Like, telling him to relax and "I'm going
5 to talk to her." What did you mean by that?

6 A. I was just scared what he was going to do, if he thought I
7 was the one that messed up.

8 Q. If he thought you were the one that messed up?

9 A. Yeah.

10 Q. And you sort of alluded to this. What, if anything, did
11 you tell [REDACTED] about this relationship with the Defendant
12 continuing from this point forward?

13 A. I said it would stop and that I've worked out some sort of
14 deal to make it just occasional once in a while friendship.
15 Just checking in once in a while.

16 Q. And I think you said that was not true?

17 A. Yeah.

18 Q. What happened? What actually happened, I guess I should
19 say?

20 A. The opposite, it probably got worse and worse I'd say.

21 Q. Towards the end of your time in London, did your parents
22 come to visit?

23 A. Yes.

24 Q. And did you and [REDACTED] meet them anywhere in particular?

25 A. Yes.

1 Q. Do you remember where?

2 A. A tea and crumpet place.

3 Q. A tea and crumpet place?

4 A. Yeah.

5 Q. Who made the recommendation for the tea and crumpet place?

6 A. The Defendant.

7 Q. And while you were there, do you recall how you were
8 acting?

9 A. Happy for the start of it all, I'd say.

10 Q. You were happy at the start of it all and then did
11 something change?

12 A. Yes.

13 Q. What changed?

14 A. The Defendant asked my parents to get some jam from the
15 place because he liked it, and I freaked out, knowing [REDACTED] was
16 right there and just knowing everything.

17 Q. How did you know about the jam? Like, you said the
18 Defendant --

19 A. He asked my parents.

20 Q. And do you know if those jams were ever purchased, like
21 while you were there, were the jams ever bought?

22 A. I'm not sure.

23 Q. Okay. After or during your time in London with [REDACTED], did
24 you guys travel other places other than London?

25 A. Yes.

1 Q. Can you name some of the places that you got to see?

2 A. Amsterdam, Paris were the two.

3 Q. Those were the two?

4 A. Yes.

5 Q. After your class, did you return home to Baltimore?

6 A. Yes.

7 Q. Upon returning home, did you see the Defendant in person?

8 A. Yes.

9 Q. And what, if anything, occurred in terms of handling
10 things now that [REDACTED] knew what had happened?

11 A. Nothing, I'd say. It was worse, if anything. It just --
12 it was now having to hide it from my girlfriend who I'd be
13 around all of the time and that just only caused more problems.

14 Q. Again, [REDACTED], did you feel you had a choice in the
15 matter in how you related to the Defendant at that time?

16 A. No.

17 Q. Your junior year at [REDACTED], you return in the fall of
18 2022?

19 A. Yes.

20 Q. How are things with [REDACTED] at that point?

21 A. Shaky. Good, but shaky I'd say.

22 Q. Were you able to respond to the Defendant during that time
23 while you were away at school?

24 A. Not as frequently.

25 Q. Did you try ignoring him?

1 A. Yes.

2 Q. Did you trying blocking him?

3 A. Yes.

4 Q. What would happen?

5 A. Same. Same thing that was happening before.

6 Q. Can we pull up Government's Exhibit 211. Can you take a
7 minute to orient yourself and see if you recognize what this
8 is.

9 What is this?

10 A. It's a group chat with me and my best friend from home,
11 James Schloeder.

12 Q. Let's get into that just for a minute. Mr. Schloeder, how
13 long have you known him?

14 A. Our parents were best man and best woman at his parents'
15 wedding. So since birth.

16 Q. In utero even?

17 A. What?

18 Q. In utero even, like before you were even born you were
19 destined to be friends?

20 A. Oh, yes.

21 Q. And who is that photograph of?

22 A. Myself and James.

23 Q. And how old are you in that photo?

24 A. Young.

25 Q. Can you tell where you are?

1 A. I believe Pepe's or Italian Gardens.

2 Q. And this text message, if we can just scroll to the next
3 page, please.

4 Do you recall having these text conversations, these
5 three-person text conversations with James and the Defendant?

6 A. Yes.

7 Q. What, if anything, would occur during these text messages?

8 A. It was his way of talking to me, like, getting James
9 involved and sending various things in these group chats that
10 would attempt to make me scared of what he was doing.

11 Q. If I say the name -- if I say the words "animal puzzle,"
12 what does that mean to you?

13 A. He would send a picture of me, like a close up of some
14 part of my private area to James and James would usually ask,
15 "What is that?" and he'd say "It's a puzzle. You got to figure
16 it out."

17 Q. If we can scroll to page 32, please. Do you recognize
18 this?

19 A. Yes.

20 Q. And to orient us, this was September of 2021. What is
21 going on here?

22 A. I'm not responding. And he's saying he'll send another
23 clue to this puzzle. And it's a picture of my penis.

24 Q. You can scroll to the next page. Just because you called
25 him James, who's Jimmy?

1 A. James.

2 Q. If you can scroll one more page.

3 That blue line over the top of you, does the actual
4 picture have a blue line over it?

5 A. No.

6 Q. Who put the blue line over it?

7 A. The Defendant.

8 Q. Thank you, Ms. Jarman.

9 Where you able to ignore home over the Thanksgiving break
10 of 2022, if you recall?

11 A. Yes.

12 Q. Ms. Jarman, if we could pull up 221, please, again.

13 Page 647.

14 Who is this?

15 A. That's my close friend from school, Pat Ciquera.

16 Q. If we can scroll down one page.

17 When it says, "Done. Just requested Pat."

18 What do you understand happened here in November of 2022?

19 A. He asked to follow Pat with that [REDACTED] account.

20 Q. Were you responding to him? You can scroll to the next
21 page.

22 A. No.

23 Q. On page 659, please, Ms. Jarman.

24 Do you recognize this screenshot?

25 A. Yes.

1 Q. Scroll down one page, please. One more, I'm sorry.

2 Who is that a screenshot of?

3 A. Me and [REDACTED].

4 Q. Scroll down one more page.

5 What's going on here? "Okay. Sure. This is going to go
6 well."

7 A. He's saying that this, this path I've taken, which is try
8 to completely ignore him is going to end up going horribly
9 wrong.

10 Q. Did the Defendant ever leave voice messages for you on
11 your iPhone?

12 A. Yes.

13 Q. Do you recall when you met with investigators giving them
14 your iPhone and your iPad?

15 A. Yes.

16 Q. And if we play some voicemails, will you be able to
17 identify the voice that you hear?

18 A. Yes.

19 MS. MCGUINN: Your Honor, at this time we have a
20 transcript. It's five pretty brief calls, but we have a
21 transcript if we can pass that to the jury.

22 THE COURT: Hand them to the clerk.

23 Come to the bench, Counsel. Husher.

24 (Whereupon, the following conference was held at the
25 bench:)

1 **THE COURT:** We're still on the record. We're at the
2 bench. This is the first time we are going to do this during
3 this trial. I don't know if there are going to be multiple
4 times, but let's just be clear on the drill.

5 Remember, lawyers are never to approach the jury. If you
6 have something to hand the jury, like transcripts and so forth,
7 they get delivered to the courtroom deputy. She's the only one
8 that actually hands anything to jurors or collects anything
9 from jurors.

10 Number two, I need some record made on whether or not
11 these transcripts have been shown to defense counsel and if
12 they have what defense counsel's position is with respect to
13 them.

14 **MS. MCGUINN:** They have been given to counsel.

15 **MR. NIETO:** No objection.

16 **THE COURT:** Very good.

17 **MR. PROCTOR:** Transcripts, of course, are not
18 evidence.

19 **THE COURT:** I will make that clear as part of my
20 standard instruction the first time we hand out a transcript,
21 but I think we're otherwise ready to go. Where are they?
22 They're in the cart back there?

23 **MS. MCGUINN:** They're in the cart. I can wheel them
24 right up here, Your Honor.

25 **THE COURT:** The clerk can just join you back at that

1 station and -- can you assist, Becca, if you would in handing
2 out the transcripts to the jurors.

3 MR. PROCTOR: Your Honor, I believe these transcripts
4 are tabbed within a bigger set.

5 THE COURT: Oh.

6 MR. PROCTOR: So to tell the jury not to flip to any
7 other tabs.

8 THE COURT: Yeah, but have you looked at all of the
9 transcripts?

10 MR. PROCTOR: We have.

11 THE COURT: I want to make sure there's not some --

12 MS. MCGUINN: No --

13 THE COURT: So no lurking issue probably but for now
14 we'll just focus on one tab. And what tab is it?

15 MS. MCGUINN: Five.

16 THE COURT: So they're to look at Tab 5 and only Tab
17 5. When we're done with this you'll say that you're done, and
18 you'll say something like, Your Honor, it's okay for the clerk
19 to now collect the transcripts.

20 MS. MCGUINN: Yes, Your Honor.

21 THE COURT: And then they'll just automatically go
22 over.

23 MS. MCGUINN: Yes, Your Honor.

24 THE COURT: We'll get into that routine. Thank you.
25 Here we go.

1 **MR. PROCTOR:** Thank you, sir.

2 (Whereupon, the bench conference was concluded.)

3 **THE COURT:** Now, ladies and gentlemen, as happens from
4 time to time during a trial evidence can come to you in many
5 forms. The Government is now going to present evidence to you
6 that is in an audio form only. You're going to hear it with
7 your ears. To aid you while you are listening to the audio
8 portion, I've authorized them to pass out transcripts to you.
9 And the clerks are handing transcripts to you right now while
10 I'm speaking. It's actually a binder full of transcripts.

11 The only transcript that's relevant right now, the only
12 one that you should look at, is at Tab 5. So once you get your
13 binder, open it up and find Tab 5, only Tab 5, and that will
14 aid you perhaps as you follow along when you're listening.

15 Now, here's the important point, what's actually evidence
16 in the case is what you hear. If you hear something different
17 from what is on the transcript. It's what you hear that is
18 evidence. The transcripts technically are not evidence,
19 they're just an aid to assist you in your listening. I know
20 it's kind of a subtle difference, it's legally, technically
21 important so pay attention. What you hear is the evidence.
22 You're hearing, though, can be assisted by what you read in the
23 transcript. Tab 5.

24 **MS. MCGUINN:** Your Honor, may I approach the witness
25 so he also has a transcript?

1 **THE COURT:** The clerk will hand him a transcript.
2 Hand it to the clerk.

3 How long is this recording?

4 **MS. MCGUINN:** There's seven calls, Your Honor. In
5 total maybe two minutes. They're all very, very short calls.

6 **THE COURT:** Seven calls but a total all together of
7 about two minutes or so --

8 **MS. MCGUINN:** Yes, they're very short.

9 **THE COURT:** -- of audio. One call is going to end and
10 then the next one is going to pick it, is that it?

11 **MS. MCGUINN:** Yes, I'm just going to identify them by
12 exhibit number if that's okay.

13 **THE COURT:** Okay.

14 **MS. MCGUINN:** Thank you. We can play Government's
15 Exhibit 195 which is a call from March 3rd of 2019.

16 (Audio playing.)

17 **BY MS. MCGUINN:**

18 **Q.** ■■■■■■■■■■■■■■■■■■■■, in March of 2019, you were how old? I should
19 be specific, March 3rd of 2019, how old were you?

20 **A.** Seventeen.

21 **Q.** What do you understand, "Can we take care of what we
22 talked about yesterday?"

23 **A.** Some deal that we talked about the day before.

24 **Q.** And just so we're clear, the deals that you've talked
25 about, are those specific types of deals?

1 A. Yes.

2 Q. We can play Government's Exhibit 196 which is a call from
3 November 6th of 2021.

4 (Audio playing.)

5 Q. We can play Government's 197 which is November 23rd of
6 2022.

7 (Audio playing.)

8 Q. Can you explain a little bit of the context of that call?
9 Let's start with "It's been a week of this and I'm kind of
10 losing my mind."

11 THE COURT: Did we lay the fundamental foundation who
12 the participants are?

13 MS. MCGUINN: I apologize. Yes, Your Honor.

14 BY MS. MCGUINN:

15 Q. Whose voice are you hearing in the calls we just played?

16 A. The Defendant.

17 Q. And these were taken from your iPhone?

18 A. Yes.

19 Q. And when it says, "It's been a week of this," what is
20 this?

21 A. Me not talking to him.

22 Q. When it says, "To touch base and figure shit out," what
23 does that phrase mean to you?

24 A. Make another deal.

25 Q. If we can play -- I'm trying to track my right date, I

1 apologize. Government's exhibit -- I think we're at 198, thank
2 you, which is a November 24th, of 2022?

3 **THE COURT:** Exhibit -- stop. Hold on. Which -- I'm
4 taking that the exhibit number is in the far left column. No?

5 **MS. MCGUINN:** No, Your Honor. That's just -- that's
6 just the way we're tracking it, how it proceeded on his phone.

7 **THE COURT:** So what exhibit are we in right now?

8 **MS. MCGUINN:** This exhibit is number 198.

9 **THE COURT:** So Exhibit 198 has one, two, three, four,
10 five, six, seven, eight segments?

11 **MS. MCGUINN:** Yes. Wait. I'm sorry, Your Honor. So,
12 Your Honor, the number column is the Government's way of
13 delineating which -- where it was on the voicemail.

14 **THE COURT:** Okay. So there's no -- private channel.

15 (Whereupon, the following conference was held at the
16 bench:)

17 **THE COURT:** So the Government has a lot of
18 responsibilities here and sometimes it's like juggling. And
19 the coherence of your presentation in my judgment with respect
20 to all of this is just fine. But you've also got to make a
21 clear record of what it is that we're listening to. And I'm
22 not sure that we are in good shape in that regard. So let's
23 start at basics. This is all Exhibit 198. The Government's
24 Exhibit 198; am I right, Ms. McGuinn?

25 **MS. MCGUINN:** No, Your Honor. There are -- excuse

1 me -- eight, eight separate phone calls. The transcript covers
2 all eight of them because they are so short so each call is a
3 separate exhibit. The transcript just goes along with each
4 call.

5 THE COURT: Okay. So what are the exhibit numbers for
6 each of the eight calls?

7 MS. MCGUINN: Government's Exhibit 195 which was the
8 first call on March 3rd.

9 THE COURT: That's "Yo, can we take care of what we
10 talked about yesterday. Thanks, bye."

11 MS. MCGUINN: Yes.

12 THE COURT: That's government's exhibit number?

13 MS. MCGUINN: 195.

14 THE COURT: 195. And then from there, take me through
15 the exhibits.

16 MS. MCGUINN: The next call, which was, "██████, what
17 the actual hell," that was Government's Exhibit 196. That's
18 the second call, which is on November 6th of 2021.

19 THE COURT: Okay. Let's get each one of these
20 designated.

21 MS. MCGUINN: Are you ready for me to proceed?

22 THE COURT: Absolutely.

23 MS. MCGUINN: I'm sorry, Your Honor. The next exhibit
24 is Government's 197 which we were just discussing.

25 THE COURT: That's "Hey ██████".

1 MS. MCGUINN: Which was on November 23rd of 2022.

2 "Hey [REDACTED], can you give me a call back."

3 THE COURT: Okay. Next.

4 MS. MCGUINN: Next is Government's 198, which occurred
5 on November 24, 2022, "[REDACTED], can you give me a call back."

6 THE COURT: Got it. Next exhibit.

7 MS. MCGUINN: 199, which is a call on November 27th of
8 2022, begins "Hey [REDACTED]." That was Government's 199.

9 THE COURT: Next.

10 MS. MCGUINN: Exhibit 200 also occurred on
11 November 27, 2022. It begins with the word, "Oh, hey, yeah,
12 sorry."

13 THE COURT: Got it. Next.

14 MS. MCGUINN: Government's Exhibit 201 is also a
15 November 27, 2022 call, which begins with "Hey, 11:03."

16 THE COURT: Got it.

17 MS. MCGUINN: Lastly, Government's 202, which is on
18 January 16 of 2023, begins with "[REDACTED], you really."

19 THE COURT: What was that number again?

20 MS. MCGUINN: 202.

21 THE COURT: Thank you. Okay. All of these exhibits
22 have now been referenced on the record here in court under our
23 local rule. They, not having drawn any objection at their
24 initial reference, they are all now admitted, and you may work
25 with them as you wish.

1 MS. MCGUINN: Thank you, Your Honor.

2 THE COURT: We'll come off the private channel.

3 (Whereupon, the bench conference was concluded.)

4 THE COURT: You may proceed.

5 BY MS. MCGUINN:

6 Q. [REDACTED], I believe we just listened to the third call
7 which begins with the words "Hey [REDACTED]," that was on
8 November 23rd of 2022, which is Government's Exhibit 197.

9 Ms. Jarman, if we could play Government's Exhibit 198,
10 which is the fourth call, which is November 24th of 2022.

11 (Audio playing.)

12 Q. Government's Exhibit 199, which is also a November 27th,
13 2022 call. Begins with the words "Hey [REDACTED]."

14 (Audio playing.)

15 Q. So to give some context before I move to the next call.
16 [REDACTED], he says "missed seeing you over winter break," did
17 you visit him in November of 2022 when you went home for break?

18 A. No.

19 Q. Moving to the next call, which is also November 27th,
20 2022, Government's Exhibit 200 begins with "Oh, yeah." If we
21 could play that Ms. Jarman.

22 (Audio playing.)

23 Q. Ms. Jarman, if we could play Government's Exhibit 201,
24 which is also November 27th, 2022 call, begins with the words
25 "Hey," at 11:03.

(Audio playing.)

Q. To give some context, [REDACTED], those last four calls -- sorry, three calls on November 27, did you ever return those calls?

A. No.

Q. Did you ever text him or contact him in response?

A. No.

Q. And our last call, which is Government's 202, occurred on January 16th of 2022. Ms. Jarman, if we could play that Government's Exhibit 202.

(Audio playing.)

THE COURT: Are we ready to collect the transcripts?

MS. MCGUINN: We are, Your Honor. Yes, thank you.

THE COURT: Clerk will collect the transcripts. You can close them up, ladies and gentlemen.

Next question.

MS. MCGUINN: Thank you.

BY MS. MCGUINN:

Q. [REDACTED], in January of 2023, did you learn of the change in the Defendant's status in working at Gilman?

A. Yes.

Q. How were you contacted about that?

A. Jack Stuzin called me.

Q. And did you have any contact with the Defendant around that time?

1 A. Yes.

2 Q. Can you describe the nature, in other words, like a voice
3 call, text, Twitter, whatever? And how you made contact and
4 what was discussed?

5 A. Snapchat saying that, finally, like, it's over. Saying
6 something along the lines of, we can't talk anymore, you got to
7 delete everything.

8 Q. Okay. Just to be clear, who said we need to delete
9 everything?

10 A. I did.

11 Q. At the end of that week, do you recall hearing from your
12 parents?

13 A. Yes.

14 Q. Did you see them?

15 A. Yes.

16 Q. Where?

17 A. My dad drove up to [REDACTED].

18 Q. Was anyone with him?

19 A. Yes.

20 Q. Who?

21 A. But I did not see her. It was my mom.

22 Q. Okay. And can you describe what happened when your
23 parents arrived?

24 A. My dad and I went to Panera, and I told him everything.

25 Q. And when you say you told him everything, is it consistent

1 with what you testified here today?

2 A. Yes.

3 Q. And after speaking with your dad, do you recall coming to
4 Baltimore about a week later --

5 A. Yes.

6 Q. -- and meeting with investigators?

7 A. Yes.

8 Q. Were you interviewed?

9 A. Yes.

10 Q. Did you turn over your devices to law enforcement?

11 A. Yes.

12 Q. And, Ms. Jarman, if we could pull up one more exhibit,
13 please, that would be again Government's 248.

14 I'm going back a little bit, [REDACTED]. I forgot to
15 show this to you. Do you recognize this?

16 A. Yes.

17 Q. What is that?

18 A. Fake Twitter that the Defendant made.

19 Q. Where had you seen that before?

20 A. He would send it to me as a threat somewhere.

21 Q. After you turned over your devices to law enforcement --
22 thank you, Ms. Jarman -- did you return to [REDACTED]?

23 A. Yes.

24 Q. [REDACTED], after you turned 18, your junior year in high
25 school, would you describe your relationship with the Defendant

1 as a romantic one?

2 A. Yes.

3 Q. In what way?

4 A. The sexual part of it.

5 Q. How emotionally?

6 A. No.

7 Q. Why not? Or why or why not?

8 A. It was only one-sided.

9 Q. Explain that to me?

10 A. There wasn't a time where I ever wanted it to be
11 happening, but I felt as though I had to or else it would never
12 end.

13 Q. Okay. Were you dating the Defendant?

14 A. No.

15 MS. MCGUINN: Your Honor, I have no other questions
16 for ██████████ .

17 THE COURT: Thank you. We'll take a recess.
18 ██████████ , you may step down and step out of the courtroom
19 but you've not been excused.

20 Ladies and gentlemen, during this recess do not discuss
21 the case with anyone. Do not discuss the case even among
22 yourselves. Do not allow yourselves to be exposed to any news
23 articles or reports that touch upon this case or the issue that
24 it presents or any articles or reports that relate to any of
25 the participants in the case. Avoid all contact with any of

1 the participants in the trial. Do not make any independent
2 investigations of the law or the facts of the case. Do not
3 look up anything on the internet. Do not consult an
4 encyclopedia or a dictionary. Ten minutes. Take the jury out.

5 **THE CLERK:** All rise for the jury.

6 (Jury exits at 3:28 p.m.)

7 **THE COURT:** Ten minutes.

8 **THE CLERK:** All rise. This Honorable Court now stand
9 in recess.

10 (A recess was taken from 3:29 p.m. to 3:41 p.m.)

11 **THE COURT:** Ready for the jury?

12 **MR. NIETO:** Yes, Your Honor.

13 **MS. MCGUINN:** Yes, Your Honor.

14 **THE COURT:** Bring the jury.

15 **MS. MCGUINN:** Do you want the --

16 **THE COURT:** Please bring the witness back to the
17 stand.

18 Ladies and gentlemen, you'll recall before the break
19 [REDACTED] had completed his direct examination and now he
20 will be cross-examined by an attorney for the Defendant.

21 [REDACTED], you remain under oath.

22 Mr. Nieto, you may proceed.

23 **MR. NIETO:** Thank you, Your Honor.

24 **CROSS-EXAMINATION**

25 **BY MR. NIETO:**

1 Q. [REDACTED], how old were you when you first got your cell
2 phone?

3 A. Thirteen or 14.

4 Q. Thirteen or 14, right. So the picture that we saw of you
5 on Mr. Bendann's iPhone, that picture you of, that's a picture
6 of you at approximately that age; is it fair to say?

7 A. Yes.

8 Q. Right. And so that was the same number that you had since
9 you were 13?

10 A. Yeah.

11 Q. Right. And so you were communicating with Mr. Bendann at
12 that time via cell phones, correct?

13 A. Yes.

14 Q. So the photo that he has of you is just a remnant from at
15 that time; is that fair to say?

16 A. Yes.

17 Q. And if we were to look at Government's Exhibit 221,
18 page 172, you were asked about this particular exhibit earlier
19 today, right? This afternoon?

20 A. Uh-huh.

21 Q. That's your girlfriend, correct?

22 A. Yeah.

23 Q. Now, obviously, that photo of her, that's not what she
24 looked like when you were dating her, was it?

25 A. No.

1 Q. No, that's a much younger photo of her?

2 A. Right.

3 Q. Mr. Bendann didn't take that photo, did he?

4 A. Screenshotted it.

5 Q. The photo of her that she's using as her Instagram
6 picture, that's not a photo that Mr. Bendann took, was it?

7 A. No.

8 Q. Right. Okay.

9 Now, sir, you played [REDACTED] in high school at Gilman; is
10 that right?

11 A. Yes.

12 Q. And you played [REDACTED] at college in [REDACTED]?

13 A. Yes.

14 Q. You were a member of a fraternity there as well?

15 A. Yes.

16 Q. [REDACTED] is a big part of your identity, is that fair to
17 say?

18 A. I quit. So no.

19 Q. Not now, right?

20 A. No, I quit senior year.

21 Q. Oh, you did.

22 A. Yeah.

23 Q. Well, because your mom played high school lacrosse, didn't
24 she?

25 A. Yes.

1 Q. She played University of Richmond in college as well?

2 A. Partially.

3 Q. And your sister played lacrosse in high school?

4 A. Yes.

5 Q. And then she played collegiately at Vanderbilt, fair?

6 A. Yes.

7 Q. And then your grandfather, the person for whom you have
8 your nickname, he played high school lacrosse, didn't he?

9 A. Yes.

10 Q. And he played at Hopkins and Cornell, those are D1
11 schools?

12 A. Yes.

13 Q. And then your uncle, he played high school lacrosse?

14 A. Yes.

15 Q. The all-American?

16 A. Yes.

17 Q. He was in the University of Pennsylvania Athletics Hall of
18 Fame, correct?

19 A. Yeah.

20 Q. You have a variety of cousins who also compete in
21 collegiate athletics, right?

22 A. Yes.

23 Q. So it was important to you, at least in high school,
24 right, you're playing [REDACTED], right?

25 A. Uh-huh.

1 Q. And of course going to college did you receive a
2 scholarship?

3 A. Yeah.

4 Q. For [REDACTED]?

5 A. Yes.

6 Q. So another important aspect of your collegiate experience,
7 right?

8 A. Yeah.

9 Q. Did COVID interfere with your ability to compete in
10 [REDACTED]?

11 A. Yes.

12 Q. Okay. It did?

13 A. Yes.

14 Q. Did you still have games?

15 A. Yes.

16 Q. And your stats were still maintained -- let me take a step
17 back. When you played collegiately, right, your stats, your
18 goals, your assists, those things from the [REDACTED] games,
19 those are all tracked, right?

20 A. Yes.

21 Q. And those things are tallied and they're accumulated and
22 that's part of your athletic college bio; is that fair to say?

23 A. Yes.

24 Q. All right. Now, you repeated the seventh grade at Calvert
25 School?

1 A. Yes.

2 Q. And of course when you returned to Gilman in eighth grade
3 you were a year older than everyone in your class?

4 A. Yeah.

5 Q. By all accounts, that made things difficult socially; is
6 that fair to say?

7 A. Yeah.

8 Q. But it presumably helped your athletic performance; didn't
9 it?

10 A. I wouldn't say that.

11 Q. No? I mean, well, you were a year older than the other
12 kids in your grade, right?

13 A. Yeah.

14 Q. You were a year more physically fit than you were when you
15 were in seventh grade?

16 A. Yes.

17 Q. And you didn't stop practicing or playing [REDACTED] when
18 you went to Calvert, did you?

19 A. No.

20 Q. In fact, part of your [REDACTED], right, you were on a
21 traveling team?

22 A. Yes.

23 Q. Right. And so you had done tournaments in San Diego?

24 A. Yes.

25 Q. And other parts of the country. And so you travel around

1 playing [] [] [] [] [] [] and so that extra year of playing, right, that
2 helped you out performance-wise?

3 A. Sure.

4 Q. All right. Now, your parents, they were involved in your
5 life when you were a child, right?

6 A. Yes.

7 Q. They were actively involved in your education?

8 A. Yes.

9 Q. Right. In fact, they both worked at the Gilman School,
10 right?

11 A. My dad for the whole time, yeah.

12 Q. But your mom worked there as well for certain parts,
13 right?

14 A. Uh-huh.

15 Q. And they were of course instrumental in the decision about
16 going to Calvert; do you remember that?

17 A. Yeah.

18 Q. And then upon your return, right, they were just as
19 focused on you on raising you as they were before; is that fair
20 to say?

21 A. Yes.

22 Q. They would attend your [] [] [] [] [] [] games?

23 A. Yes.

24 Q. Soccer games as well?

25 A. Uh-huh.

- 1 Q. Right. When you went to college, they did the same thing?
- 2 A. Yep.
- 3 Q. When you were in either middle school or high school you
- 4 ran something called [REDACTED]; is that correct?
- 5 A. Yes.
- 6 Q. And that was a program on campus for younger students
- 7 where sort of like a daycare of sorts with athletics?
- 8 A. Not on campus, no.
- 9 Q. It wasn't on campus?
- 10 A. No.
- 11 Q. Was it when you guys were living on campus?
- 12 A. It was a campus house, but we didn't live on campus.
- 13 Q. So the [REDACTED], where was that held?
- 14 A. At our house across the street.
- 15 Q. Okay. Part of campus housing?
- 16 A. Yes.
- 17 Q. But not technically on the Gilman campus?
- 18 A. Yeah.
- 19 Q. Okay. All right. In fact, I believe you and your family
- 20 had asked Mr. Bendann to assist you with that at certain parts,
- 21 right?
- 22 A. Yes.
- 23 Q. And of course you understood then through your parents --
- 24 and you have older sisters as well, right?
- 25 A. Yes.

1 Q. Protective of them, I'm sure.

2 A. Yep.

3 Q. Of course.

4 So you always understood that if you had any problems that
5 you could talk to them about things, right?

6 A. Who?

7 Q. I'm sorry, sir?

8 A. Who?

9 Q. Your parents?

10 A. Oh, parents, yeah. I thought you were talking about my
11 sisters.

12 Q. Would you talk to your sisters about your problems?

13 A. No.

14 Q. But your parents, you definitely could, correct?

15 A. Yep.

16 Q. And so obviously in part of growing up your parents are
17 giving you general counsel about things to do and things not to
18 do, right?

19 A. Yeah.

20 THE COURT: You have to answer out loud.

21 THE WITNESS: Oh, yes.

22 BY MR. NIETO:

23 Q. So, you know, see something, say something. That kind of
24 thing, right?

25 A. Yes.

- 1 Q. All right. Do you know a student by the name -- sorry, a
2 Gilman alum by the name of Patrick Lenahan?
- 3 A. Yes. I don't think he's a Gilman alum though.
- 4 Q. Oh, he's not. All right. Forgive me. But you know the
5 name, right?
- 6 A. Yep.
- 7 Q. And he was one of the first people to do a naked lap. Do
8 you remember that story?
- 9 A. Nope.
- 10 Q. You're not familiar with that story?
- 11 A. No.
- 12 Q. Never spoke with Will Godine about that?
- 13 A. No.
- 14 Q. Never heard the "In honor of Patrick Lenahan"?
- 15 A. No.
- 16 Q. All right. But the naked running around Meadow Wood and
17 St. Paul's, right, how many people would participate in these
18 naked runs?
- 19 A. Four or five.
- 20 Q. Four or five, all right. And did everyone find it to be
21 funny?
- 22 A. Yes.
- 23 Q. Right. Of course. Because if it weren't funny, someone
24 would say something, wouldn't they?
- 25 A. Yeah.

1 Q. I mean, there's four or five of you?

2 A. Yeah.

3 Q. Right. So somebody, if they're being forced to run naked
4 in middle school by a teacher, is gonna tell somebody about
5 that; is that fair?

6 A. Yes.

7 Q. Okay. Now, you had indicated on your direct testimony
8 that the abuse you suffered began with McDonald's or McDank's
9 as they would refer to it, right?

10 A. Yes.

11 Q. And that would escalate then to being naked in the car?

12 A. Yes.

13 Q. And that would escalate then into stopping at a parking
14 lot, touching yourself, things of that sort?

15 A. Yes.

16 Q. That escalation, that's the trajectory, right?

17 A. Uh-huh.

18 Q. And you said that this would happen when you were 15 years
19 old?

20 A. Yes.

21 Q. All right. So this happened the first time after you had
22 called Mr. Bendann to pick you up after a party?

23 A. Yes.

24 Q. And you had been drinking?

25 A. Yes.

1 Q. So you called him to pick you up?

2 A. Yeah.

3 Q. And is that something that you and the members of your
4 social circle would do?

5 A. Yes.

6 Q. With some frequency, right?

7 A. Yeah.

8 Q. You didn't call an Uber, did you?

9 A. No.

10 Q. Didn't call your sisters, did you?

11 A. No.

12 Q. Definitely didn't call your parents?

13 A. No.

14 Q. No. But you felt comfortable enough calling Mr. Bendann
15 to come pick you up, right?

16 A. Yes.

17 Q. And it didn't really matter what time or where you were,
18 he would dutifully go and pick you guys up, wouldn't he?

19 A. Yes.

20 Q. Right. And so the first time -- the first time that you
21 called him to pick you up and things got uncomfortable, right?

22 Do you remember that? That first time? Right?

23 THE COURT: You have to answer out loud.

24 THE WITNESS: Oh, yes. He's still talking.

25 BY MR. NIETO:

1 Q. Did you tell anyone?

2 A. No.

3 Q. You didn't tell your parents?

4 A. No.

5 Q. You didn't tell your sisters or your friends?

6 A. No.

7 Q. Didn't tell your [REDACTED] team or any other players of
8 your athletic department?

9 A. No.

10 Q. But then you called him again after that, didn't you?

11 A. Yep.

12 Q. Right. And then again after that?

13 A. Yes.

14 Q. And so, per your testimony, the situation is escalating in
15 a way that makes you feel uncomfortable; is that fair?

16 A. Yes.

17 Q. And you continue to call him throughout that time?

18 A. Yes.

19 Q. Now, the St. Paul's Meadow Wood hills, those are fairly
20 steep hills; is that fair?

21 A. Yes.

22 Q. It's a bit of an athletic feat to be able to run it up and
23 down?

24 A. Yes.

25 Q. I mean, I'd have to imagine that not everyone can do that

1 without running out of breath?

2 A. We didn't run up and down the entire thing. I never said
3 that.

4 Q. You never said what, sir?

5 A. I never said that we ran up and down the entire thing. I
6 said we would run on it.

7 Q. Oh, so when you say "run on it," what do you mean?

8 A. Shoot Out for Soldiers, do you know what that is?

9 Q. I don't, sir, please explain it.

10 A. It's a 24-hour [REDACTED] game for veterans. It goes on for
11 the entire day. And the Defendant thought it would be the best
12 possible time for us to go out there and be naked on the hill.
13 So we would run around on the hill and then our 13-year-old or
14 15-year-old selves would be scared that people could see us and
15 run back to the car.

16 Q. I see. And that was what happened every time?

17 A. No. Yes, that in theory just --

18 Q. Forgive me, sir. Not in theory. Is that what happened
19 every time?

20 A. Yes.

21 Q. All right. Now, would you say that it was a fairly --
22 actually, strike that if I can.

23 If I can just pull up Government Exhibit 122.

24 MR. NIETO: Court's indulgence.

25 BY MR. NIETO:

1 Q. Sir, you had looked at some of these text messages earlier
2 in your testimony today. Do you remember?

3 A. Yes.

4 Q. All right. And you had testified that when Mr. Bendann is
5 referring to running on Meadow Wood and not having pockets, do
6 you remember that series of texts?

7 A. Yep.

8 Q. That's in relation to Pokémon Go; isn't it?

9 A. What?

10 Q. Sir? Let me take a step back, sir. Are you familiar with
11 the mobile application game Pokémon Go?

12 A. Yes.

13 Q. Okay. And part of that, it's a real world/virtual world
14 combination on your phone where you can walk in the real world
15 and on your phone you can interact with AI creatures, correct?

16 A. Yes.

17 Q. And the genre of it is in relation to Pokémon, right?

18 A. Yes.

19 Q. And so as part of that, as you walk around with your
20 phone, if you stumble across a Pokémon character you can engage
21 with them via your phone and quote/unquote capture them?

22 A. Yes.

23 Q. Right. And throw poké balls at them as it were?

24 A. Right.

25 Q. And that was something you were doing when you were 14 or

1 15, right?

2 A. Yeah.

3 Q. So when he's referencing about finding eggs, that's in
4 relation to Pokémon Go, isn't it?

5 A. Yes.

6 Q. And, in fact, the pages that precede that text are just
7 screenshots of different Pokémon characters, do you remember
8 that, sir?

9 A. Yes.

10 Q. And so when he's referencing you having ran the time
11 before at Meadow Wood and you didn't have pockets, that was
12 when you were in [] and that would be where you
13 guys trained or run?

14 A. No.

15 Q. You would never run there for athletics at all?

16 A. No.

17 Q. Now, as members of your friend group, right, the Gilman
18 [], it wasn't uncommon for your friends to take
19 pictures of each other doing things naked, was it?

20 A. No.

21 Q. In fact, photos of each other's backsides being bare,
22 you've seen those photos, right?

23 A. Yes.

24 Q. And posting that on social media or on Snapchat?

25 A. Not that I know.

1 Q. Didn't know any of your friends posting pictures on their
2 Snapchat, stories of themselves in various stages of undress?

3 A. No.

4 THE COURT: Compound question. Pictures or stories?
5 Back up and rephrase.

6 BY MR. NIETO:

7 Q. Had you ever seen any of your friends post naked pictures
8 of themselves on Snapchat?

9 A. No.

10 Q. On their stories?

11 A. No.

12 Q. Never saw Zack Oddo doing that?

13 A. No.

14 Q. Never saw Logan Paft do that?

15 A. No.

16 Q. Never seen James Schloeder do that?

17 A. Seen him -- seen him post a picture of himself naked?

18 Q. Yes.

19 A. No.

20 Q. Have you ever seen them post pictures of each other naked?

21 A. No.

22 Q. Are there photos of members of this group circulating
23 amongst your friend group of each other being naked?

24 A. Not circulating. We've seen it.

25 Q. Right. And they're funny; is that fair to say?

1 A. Yes.

2 Q. Right. You shared back and forth, depending on the moment
3 for the joke, right?

4 A. Yeah, but we're not 35.

5 Q. Absolutely. Twenty-one, 22, right?

6 A. Yeah.

7 Q. Pictures starting from when you were 14 and 15?

8 A. We still don't see those.

9 Q. I see. Despite all of this nudity, right, your friends
10 still, in these chats, they would use derogatory terms for gay
11 people, right?

12 A. Yes.

13 Q. And you know that because -- and, again, I'm not
14 suggesting you do, but you were part of group texts and group
15 chats with your friends from Gilman, right?

16 A. Yes.

17 Q. The Gilman [REDACTED] in which they would use words,
18 right, they would say "gay" or "fag," right?

19 A. Yes.

20 Q. And sometimes the word "retarded"?

21 A. Yes.

22 Q. Right. How about the word "faggot," have you seen any of
23 them use that term in a derogatory fashion?

24 A. Not derogatory.

25 Q. You've only seen it in a positive fashion?

1 A. No.

2 Q. Right. It's not the kind of word you can use as a term of
3 endearment, is it? I'm sorry, when you --

4 THE COURT: Wait for the answer. Answer the question
5 if you can.

6 THE WITNESS: I -- not a great vocabulary, sorry.
7 You're using words --

8 BY MR. NIETO:

9 Q. Forgive me. When you're talking with your friends, right,
10 and someone throws the word "faggot" into a text thread, right,
11 that's not a positive thing, is it?

12 A. No.

13 Q. It's derogatory, it's an insult; isn't it?

14 A. Yes.

15 Q. And you were part of these conversations, were you not?

16 A. Yes.

17 Q. You heard them speak this way not only via text but also
18 in person, right?

19 A. Yes.

20 Q. And that happened in college 2022, didn't it?

21 A. What?

22 Q. Do you remember in 2022, when you were 21 and in college
23 participating in a group text thread in which that type of
24 language was used?

25 A. With who?

1 Q. With the friends from Gilman?

2 A. No.

3 Q. Would looking at something help refresh your recollection,
4 sir?

5 A. Yes.

6 MR. NIETO: I'm going to approach, Your Honor, with
7 what I'll mark as Defense Exhibit 3 solely for identification
8 at this purpose.

9 THE COURT: Have you shown it to counsel?

10 MS. MCGUINN: One, objection. Two, I'd like to also
11 see it.

12 THE COURT: He's handing it to you so you can see it.
13 After you see it, tell me if you object.

14 MS. MCGUINN: The Government would object.

15 THE COURT: Private channel.

16 (Whereupon, the following conference was held at the
17 bench:)

18 THE COURT: Mr. Nieto, you're proposing to show this
19 exhibit which has been marked for identification as defense
20 exhibit what number?

21 MR. NIETO: Three, Your Honor.

22 THE COURT: Number 3 for identification, to refresh
23 the witness's recollection. I think that's what you said your
24 purpose was?

25 MR. NIETO: Solely, Your Honor.

THE COURT: What's the objection?

MR. NIETO: So the objection is, Your Honor, first I have thought he was moving this into evidence. But second, I think this line of questioning is going afield in that unless they are using those words to describe the Defendant and/or the Defendant is on this chat, I don't understand the relevance of this line of questioning.

THE COURT: Okay, so fair enough. Where are we going?

MR. NIETO: Your Honor, we're going as I had indicated in my opening statements is that there's this culture of anti-gay bias. So as we're suggesting, this was an adult, consensual, same-sex relationship, and the complaining witness did not feel comfortable with his friends or family admitting to that aspect. And so once his girlfriend's realization he was in this relationship he had to pivot. As I said in my opening, he had made misrepresentations about the genesis and the status of the relationship. This is part of that.

Again, I'm not suggesting that he said it. I'm simply suggesting that he was part of the text thread with people from the [REDACTED] and Gilman community in which these words are bandied about regularly.

THE COURT: So if I understood your opening statement, I thought you weren't contesting the allegation that he's guilty of the crime of cyberstalking?

MR. NIETO: You're right.

THE COURT: Okay. And the other offenses that the Defendant is charged with, at least the exploitation, the sexual exploitation of a minor by their terms occurred before the Defendant was 18.

MS. MCGUINN: Before the victim was 18.

THE COURT: Excuse me, before the victim was 18, right.

MR. NIETO: It is our position that the images are of him post 18 years old.

THE COURT: Okay. Very well. I'm going to allow you to pursue the line of questioning on the theory that it is designed to this elicit or illuminate the question of whether or not the victim's behavior in this case, his views, his accusations against your client are related to your client's claimed sexual preference, at least through opening statement.

The exhibit itself is not being offered for admission and, frankly, you can use anything to attempt to refresh a witness' recollection. So to the extent that there's a relevancy objection, it's overruled. And you may approach the witness with the exhibit. Leave it with the witness. Ask him to view it. When he's finished, ask him to look up. Go back to the witness stand. Recover the exhibit. Then ask your questions.

MR. NIETO: Forgive me, did Your Honor want me to approach the witness directly or through --

THE COURT: No, on this you can approach him directly.

1 MS. MCGUINN: May I be heard briefly, Your Honor?

2 THE COURT: On?

3 MS. MCGUINN: This issue.

4 THE COURT: Which issue?

5 MS. MCGUINN: In that the defense wants to somehow
6 argue that between -- from March 20th of 2019, the day he
7 turned 18, up until the time of the cyberstalking which is
8 May 1st of 2022, this is a consenting relationship. The
9 Government filed a 412 motion in limine to exclude. So the
10 fact that they may or may not have had some sort of consensual
11 relationship is not fair game in terms of they've given us no
12 notice of their intent to highlight certain things.

13 I just think this line of questioning is starting to touch
14 on those issues.

15 THE COURT: Well, do you agree that you did not file a
16 412 notice?

17 MR. NIETO: Absolutely.

18 THE COURT: So what limitations then exist in your
19 efforts to get into 412 type matters?

20 MR. NIETO: Your Honor, again, my understanding of the
21 issues of the 412 would have to do with him being a minor
22 victim.

23 MS. MCGUINN: No.

24 MR. NIETO: Our position is that this was all over the
25 age of 18. So the images, the photos, the videos, he was over

18. That is the defense to the first six counts.

THE COURT: Husher off.

(Whereupon, the bench conference was concluded.)

THE COURT: Ladies and gentlemen, we're going to take a brief recess. During this recess do not discuss the case among yourselves. Do not allow yourselves to be exposed to any news articles or reports that touch upon the case or the issues that it presents or any articles or reports that relate to the participants in the case. Avoid all contact with any of the participants in the trial. Do not make any independent investigation of the law or the facts of the case. Do not look up anything on the internet. Do not consult an encyclopedia or a dictionary.

This is one of those times that I referred to when I have to address an issue with the lawyers outside of your hearing. I'm not sure exactly how long we're going to be on this recess. I just assure you that we'll be working very hard out here and we'll bring you back into the courtroom just as soon as it is appropriate to do so.

Take the jury out.

(Jury exits at 4:06 p.m.)

THE COURT: ██████████, you may step outside of the courtroom. Don't go far. You have not been excused.

Be seated, please.

Okay. Mr. Nieto, I'll hear from you first on the 412

1 issue.

2 **MR. NIETO:** Again, Your Honor, we're not here to --
3 our aim is not to try to establish sexual behavior or
4 predisposition.

5 **THE COURT:** On the part of?

6 **MR. NIETO:** On the part of the complaining witness in
7 this case, Your Honor. Our defense -- and forgive me if I was
8 unclear about it in my opening -- our defense is and has been
9 that the images that are at the subject of these indicted
10 counts were all post March 20th, 2019. And so this witness
11 has, through their testimony, described a very different type
12 of relationship.

13 I'm not endeavoring to show a predisposition. What I'm
14 endeavoring to do is to impeach that testimony by evidence
15 directly contrary to it as an adult, as an adult.

16 **THE COURT:** So what is it that you want to ask the
17 witness?

18 **MR. NIETO:** Forgive me, Your Honor, with respect to
19 this particular portion of my line of questioning --

20 **THE COURT:** Yeah.

21 **MR. NIETO:** Or in general?

22 Well, in this line of questioning, Your Honor, as I said
23 in my opening, is that this was a same-sex, consensual, adult
24 relationship, and the issue here is that this witness within
25 his social circle that is unacceptable. And the language that

1 is used by the members, his friends, by the members of his team
2 contributed to his inability to admit to them what was truly
3 going on here.

4 And, again, that also -- so that's what it is. I'm not
5 trying to -- I'm not trying to suggest anything else here.
6 It's just for the purposes of this was a consensual, adult
7 relationship, which is directly in regards to the sexual
8 exploitation of a minor and that this is child pornography.

9 **THE COURT:** Before you can pursue that line of
10 defense, don't you have to have some predicate that relates to
11 the timing of events? As to when they occurred? What's his
12 18th birthday?

13 **MR. NIETO:** March 20th, 2019 [sic].

14 **MS. HAGAN:** 2001.

15 **MR. NIETO:** Of course. That's when he would turn 18.

16 **THE COURT:** Give me a proffer? What are the
17 questions?

18 **MR. NIETO:** With regards to this, Your Honor, the text
19 messages, again, I was just asking. If he had said yes, I
20 wouldn't have gone to refresh the recollection. But now is
21 regards to the specific language that was used -- forgive me,
22 Your Honor, if I may, my notes are over there.

23 **THE COURT:** Uh-huh.

24 **MR. NIETO:** Your Honor, obviously using the
25 terminology that they used, which was anti-gay, anti-black,

1 anti-intellectual disability, this was happening in high
2 school, it was happening in college. It happened throughout
3 the time since he was 18.

4 **THE COURT:** Okay. Thank you, Mr. Nieto.

5 So, Ms. McGuinn, the proposition has been placed before
6 the jury that the Defendant is gay. Do you disagree with that?

7 **MS. MCGUINN:** I don't disagree that that was the
8 proposition put forward.

9 **THE COURT:** Okay. And if that then is a trade or
10 characteristic of the Defendant, why isn't it just generally
11 relevant to inquire as to whether or not a witness who is
12 making an accusation against the Defendant is motivated by some
13 hatred or desire to disparage a person, in this case because of
14 their sexual preference? Why wouldn't that just be relevant
15 impeachment?

16 **MS. MCGUINN:** So to a certain degree it may be, but I
17 think we are going too far afield. Your Honor sort of hit the
18 nail on the head. Prior to March 20th of 2019, whether or not
19 the victim is anti-gay, anti-black, anti anything, likes to run
20 over puppies, is not relevant. It doesn't matter --

21 **THE COURT:** Fair enough --

22 **MS. MCGUINN:** -- he could not consent --

23 **THE COURT:** -- but if the -- if the Defendant is gay
24 today, and if the witness is testifying against him today, his
25 potential motivation today on August whatever this is, 23rd of

2024, is relevant.

MS. MCGUINN: And I agree to a certain point and to a certain degree. My concern is we are starting to get into that he lied or fabricated a consenting relationship because of this -- I believe Mr. Nieto's words were this ecosystem that he was involved in, which prior to March 20th, 2019, doesn't matter as to -- because if the images exist at that time or they do not, that's it. The victim has testified he was 15 or 16 when he recalls those events happening. So short of impeaching him "weren't you in fact 18," none of that has come out. I don't believe that's proper --

THE COURT: Well, no. I think the way it ties together is: Aren't you lying now about the age you were then because you are motivated by hatred rooted in bias against a particular sexual preference.

MS. MCGUINN: And that may be fair. But what I think is happening and what I'm afraid we're getting close to is isn't it true this was a consensual relationship after that time where we're going to start talking about things that are precluded by 412 and that that is why you didn't -- because counsel specifically asked: You didn't tell your mom; you didn't tell your dad; you didn't tell your sisters; you didn't tell anyone.

The implication, the way I understand it, is that he is ashamed somehow and lives in this world where he couldn't say

1 it because he was ashamed. Or he himself, although counsel
2 said, I'm not saying that he said it, but that he was in this
3 world where this sentiment existed.

4 **THE COURT:** Point me to the pathway by which the rule
5 would require notice in this unique circumstance that is
6 evolving out of this impeachment strategy.

7 **MS. MCGUINN:** So the rule specifically provides that
8 counsel --

9 **THE COURT:** Take me to the rule and section.

10 **MS. MCGUINN:** I'm sorry, Your Honor. I'll grab my
11 glass.

12 Your Honor, under 412 it specifically says that counsel or
13 in this case the defense --

14 **THE COURT:** You still haven't taken me to the --

15 **MS. MCGUINN:** I'm sorry, in (a).

16 **THE COURT:** 412(a), Prohibited Uses.

17 **MS. MCGUINN:** Yes. The following evidence is not
18 admissible in a criminal proceeding involving alleged sexual
19 misconduct: One, evidence offered to prove that a victim
20 engaged in other sexual behavior or evidence to prove the
21 victim's sexual predisposition. The exceptions under (b) are
22 very specific, that if it's being offered to show someone other
23 than the defendant was the source of semen or injury, which is
24 clearly not our case; (B) that the evidence of the specific
25 instances of the victim's sexual behavior with respect to the

1 person accused or the defendant, if offered by the defense to
2 prove consent, which is not admissible here in terms of arguing
3 the first five counts. And they've conceded to cyberstalking;
4 and (C) evidence whose exclusion would violate the defendant's
5 constitutional rights. Which is sort of our catchall.

6 Which is, again, why the Government feels some impeachment
7 as to his views as to why he might be lying today, lying today,
8 it might be relevant, but not an overall discussion of whether
9 or not he is -- whether or not he was, you know, over 18 and
10 therefore lying about his age at the time.

11 They can ask him --

12 **THE COURT:** I understand your position.

13 **MS. MCGUINN:** Thank you.

14 **THE COURT:** But I think we're in an environment where
15 the exception under (b)(1)(C) is at least in play because the
16 Defendant, unquestionably, has Sixth Amendment rights to
17 attempt to impeach. He's allowed to challenge the credibility
18 of the evidence against him.

19 However, Rule 412 -- let me find it here, 412(c)(2), the
20 hearing provision, says that before I admit evidence in this
21 regard actually the party -- I believe the witness himself has
22 a right to be heard.

23 So is the witness represented here?

24 **MS. MCGUINN:** No, Your Honor.

25 **THE COURT:** Are you sure? Have you asked him?

1 MS. MCGUINN: I understand he has an attorney, Your
2 Honor, but my understanding is that the -- first of all, we
3 haven't been given notice, that's the first thing.

4 THE COURT: Where's your notice right come from?

5 MS. MCGUINN: Your Honor, under motion: If a party
6 intends to offer evidence under 412(b) the party must file a
7 motion --

8 THE COURT: You've got to get in the habit of starting
9 with the reference to the provision.

10 MS. MCGUINN: I'm sorry, Your Honor. (C) Procedure to
11 Determine Admissibility.

12 THE COURT: Right.

13 MS. MCGUINN: (1) Motion.

14 THE COURT: Yeah.

15 MS. MCGUINN: If a party intends to offer evidence
16 under 4 12(b) -- which is the exceptions.

17 THE COURT: Right.

18 MS. MCGUINN: -- file a motion specifically describing
19 the evidence and state its purpose.

20 THE COURT: Right.

21 MS. MCGUINN: Which has not happened which is why the
22 Government filed a motion to preclude which Your Honor
23 dismissed as moot since no notice had been given.

24 THE COURT: Exactly. So, Mr. Nieto, I think you're
25 90 percent of the way there. Did you file a notice of your

1 Now, you didn't give her permission to look at your iPad
2 with those messages, did you?

3 A. No.

4 Q. That was a bit of a surprise, would you say?

5 A. Yes.

6 Q. Caught you off guard?

7 A. Yes.

8 Q. You didn't want her to think anything -- well, strike
9 that.

10 You didn't want her to leave you, did you?

11 A. No.

12 Q. You two were in London for a few weeks over that summer?

13 A. Yep.

14 Q. Mutual friends on the same trip, stuff like that?

15 A. Yes.

16 Q. So you told her that he was -- Mr. Bendann was taking
17 advantage of you since you were under age, right?

18 A. Yes.

19 Q. And based on what you told her, she didn't leave, did she?

20 A. Excuse me?

21 Q. Based on what you told her in London, she didn't leave you
22 in London, did she?

23 A. No.

24 Q. All right. So when you had testified that Mr. Bendann
25 made you touch yourself, again, you did not tell your parents,

1 your friends at the school, your [REDACTED] team, or your coach,
2 did you?

3 A. No.

4 Q. When this was happening every weekend, you didn't tell
5 your parents, the school, your best friends, the LAX team, or
6 your coach, did you?

7 A. I wouldn't say every weekend.

8 Q. You didn't tell anybody, did you?

9 A. No.

10 Q. Of course, an adult doing that to a minor, that would be
11 illegal, right?

12 A. Yeah.

13 Q. And he would have been arrested?

14 A. Yes.

15 Q. Right. And then this just continued and continued
16 throughout high school, right?

17 A. Yes.

18 Q. And yet during this same period of time during high school
19 you would contact Mr. Bendann for rides home on a regular
20 basis, wouldn't you?

21 A. Yes.

22 Q. You would contact him to hang out and get food?

23 A. Yes.

24 Q. You would contact him, for example, one time to take you
25 to the airport?

1 A. Yes.

2 Q. You called Mr. Bendann if you needed anything, he would be
3 there to help?

4 A. No.

5 Q. All right. When you were in college, would you get into
6 an argument with your parents and they kicked you out of the
7 house?

8 A. Never.

9 Q. That never happened?

10 A. No.

11 Q. You didn't call him to come get you after having a fight
12 with your parents?

13 A. No.

14 Q. But the rides home, hanging out, the food, all of that
15 stuff, that was happening all at the same time as he was making
16 you feel uncomfortable, right?

17 A. It was a part of it, yes.

18 Q. All right. The exhibit that we had seen with all of the
19 Venmo transactions --

20 A. Yes.

21 Q. -- do you remember seeing that? None of those were from
22 before you were the age of 18, were they?

23 A. No.

24 Q. In fact, all of your testimony from this afternoon is all
25 after you turned 18; is that fair to say?

1 A. Yes.

2 Q. Again, your parents at your home they would allow drinking
3 of alcohol within the house, right?

4 A. No.

5 Q. You couldn't drink in the house -- strike that.

6 A. Yeah.

7 Q. Were you allowed to drink beer at home?

8 A. Yes.

9 Q. You had a fake ID?

10 A. Yes.

11 Q. You were able to get your own alcohol?

12 A. Not legally.

13 Q. But you were still able to get your own alcohol, right?

14 A. Depended on the place.

15 Q. Were you able to use that fake identification to purchase
16 alcohol?

17 A. Sometimes.

18 Q. Sometimes, okay. And that was the point of the fake ID,
19 right?

20 A. Yes.

21 Q. At your high school graduation, right, you had a keg at
22 your party?

23 MS. MCGUINN: Objection.

24 THE COURT: Private channel.

25 (Whereupon, the following conference was held at the

1 bench:)

2 **THE COURT:** Relevance?

3 **MR. NIETO:** The same -- the same types of questions
4 that I've been asking about alcohol because in anticipation of
5 the upcoming witnesses there's going to be talk about
6 Mr. Bendann supplying alcohol and so what I've been trying to
7 establish --

8 **THE COURT:** All right. Go ahead.

9 **MR. NIETO:** So, Your Honor, all I'm trying to
10 establish with this witness is that it was a culture of
11 permission where parents would allow Gilman students to drink
12 alcohol within the homes.

13 **THE COURT:** Okay. But how is that relevant? What's
14 that relevant to?

15 **MR. NIETO:** Well, it's going to be relevant, Your
16 Honor, because as the witnesses who are going to be forthcoming
17 next week are going to be saying it was Mr. Bendann who was
18 supplying them with alcohol and our point would be to suggest
19 that that's not the case.

20 **THE COURT:** All right. Is there expected to be such
21 testimony next week?

22 **MS. MCGUINN:** No, Your Honor. In fact, I think, if my
23 recollection is correct, maybe one might say that on an
24 occasion the Defendant bought alcohol, but the rest of them had
25 older siblings who would do it. And none of them will say that

the Defendant was their source of alcohol.

They may say that the Defendant would sometimes supply this victim with alcohol. So he can certainly ask if this victim -- if the Defendant ever bought him alcohol. Actually the other witnesses who are his agemates will say that they bought their own alcohol.

THE COURT: You're going to have to tell me more about why the alcohol in general is relevant here before I'm going to permit questions like, you know, was there a kegger after the high-school graduation.

I mean, all kinds of crazy things go in high school, many of them not legal. But most of that not relevant to what we're trying here. Unless you can show me how it is.

MR. NIETO: Your Honor, forgive me, it was my understanding that the witnesses were going to be saying when Mr. Bendann was house-sitting that he would bring alcohol and invite kids over to drink and run naked and --

THE COURT: Okay. So question withdrawn.

MR. NIETO: Yes, Your Honor.

THE COURT: Next topic. You know, I let lawyers in general try their case on both sides. We had cross-examination about your testimony today all pertains to activities after you turned 18. That was your question, wasn't it?

MR. NIETO: Yes, Your Honor.

THE COURT: And, Ms. McGuinn, there's no objection.

1 **MS. MCGUINN:** I interpreted this afternoon meaning by
2 the time we came after lunch we were discussing college, in
3 which case he was after 18. I took him literally to mean this
4 afternoon.

5 **MR. NIETO:** I'm so sorry, Your Honor. Yes, the
6 afternoon's testimony of direct we had talked about the
7 testimony from this morning with this witness had to do with
8 pre-18 and then this afternoon he was going to college. That's
9 all I meant.

10 **THE COURT:** All right. It's a pretty subtle
11 distinction and maybe that is exactly how it came in, in which
12 case --

13 **MS. MCGUINN:** That's how I heard it.

14 **THE COURT:** -- the assessment that no objection was in
15 order.

16 **MS. MCGUINN:** I understand.

17 **THE COURT:** But I will tell you that it left me a bit
18 confused because --

19 **MS. MCGUINN:** I was going --

20 **THE COURT:** -- I, perhaps incorrectly, took
21 Mr. Nieto's question as to pertain to the totality of the
22 direct examination not just that portion conducted since the
23 lunch break.

24 **MR. NIETO:** I'm happy to clarify because that wasn't
25 where I was endeavoring to go.

1 MS. MCGUINN: I plan to clarify, I have it written
2 down to clarify that.

3 THE COURT: You may if you wish, Mr. Nieto. It sounds
4 like Government counsel is going to go there anyway. Thank you
5 very much.

6 MR. NIETO: Thanks, Your Honor.

7 THE COURT: Next question.

8 (Whereupon, the bench conference was concluded.)

9 THE COURT: Mr. Nieto, next question.

10 MR. NIETO: Thank you, Your Honor.

11 BY MR. NIETO:

12 Q. Now, you're represented by an attorney, correct?

13 A. Yes.

14 Q. That was an attorney actually for whom Mr. Bendann
15 actually babysat his children, did you know that?

16 A. No.

17 Q. And you have an attorney because it's your plan to sue the
18 Gilman School; isn't it?

19 A. No.

20 MS. MCGUINN: Objection.

21 THE COURT: Private channel.

22 (Whereupon, the following conference was held at the
23 bench:)

24 THE COURT: What's the objection?

25 MS. MCGUINN: Relevance.

THE COURT: Where are you going? What's this about?

MR. NIETO: Bias to lie.

THE COURT: Hopes to recover money?

MR. NIETO: Yes, Your Honor.

MS. MCGUINN: Again, because you're already consenting to cyberstalking so I don't understand if he's consenting to cyberstalking there's a reason -- I mean, excuse me, there's no reason to impeach him as to this lawsuit when the other argument or the counter-argument is not consent. It's was he 18, was it by the Defendant.

THE COURT: I think the strategy, if I'm discerning it correctly, that the alleged misconduct occurred all after the 18th birthday and that the victim is lying about his age and then an additional motivation for that would be to better set up his civil claims against the school?

MR. NIETO: Yes, Your Honor.

MS. MCGUINN: The victim was also 18 while in high school. So I don't -- I just don't think it's relevant, Your Honor. He was still in the school as an adult. So I don't understand the relevance of his plans to sue the school in light of his questioning.

THE COURT: Overruled.

(Whereupon, the bench conference was concluded.)

BY MR. NIETO:

Q. Forgive me, sir. You are not looking to get any financial

1 compensation from the Gilman School?

2 A. I'm just looking for justice right now.

3 Q. And that's not through financial compensation?

4 A. No.

5 MR. NIETO: All right. Thank you. Nothing further,
6 Your Honor.

7 THE COURT: Redirect.

8 MS. MCGUINN: Thank you, Your Honor. Very briefly.

9 REDIRECT EXAMINATION

10 BY MS. MCGUINN:

11 Q. [REDACTED], counsel just asked you if all of your
12 testimony this afternoon occurred while you were an adult, did
13 you hear that question?

14 A. Yes.

15 Q. This morning, when you and I were doing direct exam and I
16 showed you those five images, the pollo shirt?

17 A. Uh-huh.

18 Q. Were you an adult in those photos?

19 A. No.

20 Q. How old were you?

21 A. Fourteen or 15.

22 Q. In high school?

23 A. Yes, and younger.

24 Q. So this morning you were talking about when you were still
25 a kid; a minor under the age of 18?

1 A. Yep.

2 Q. Okay.

3 MS. MCGUINN: Your Honor, I have no other questions.

4 THE COURT: May the witness be excused?

5 MS. MCGUINN: He may be. And if we could clarify that
6 he's permanently excused.

7 THE COURT: That's what is implicit in my question.
8 Is he excused?

9 MR. NIETO: Court's indulgence if I may?

10 THE COURT: Yes.

11 (Counsel conferring.)

12 MR. NIETO: Your Honor, forgive me. May we go to the
13 private channel briefly?

14 THE COURT: Yes.

15 (Whereupon, the following conference was held at the
16 bench:)

17 THE COURT: Yes, Mr. Nieto.

18 MR. NIETO: Your Honor, obviously, yes, this witness
19 is free to leave today. Important to note, he is under a
20 defense subpoena. At this time we do not anticipate recalling
21 him. If that were to be the case, we would reach out to his
22 counsel but at this time we do not foresee that happening.

23 THE COURT: Well, I think you need to take a position
24 because I'm going to give him directions about, for instance,
25 whether he can remain in the courtroom and so forth. And if

1 there's the potential that you're going to call him as a
2 witness in the defense case, he's subject to the sequestration
3 order.

4 So do you want to talk with your co-counsel for a minute
5 or are you ready to go?

6 **MS. MCGUINN:** Your Honor, if I may complicate things.
7 This victim lives out of state and traveled here by train, set
8 to return home to his job. He's supposed to report back to
9 work on Monday. So I just add that for knowledge of when he
10 could be here, how he would have to get here.

11 **MR. NIETO:** Again, Your Honor, we don't anticipate him
12 being called at all today. So if he wished to leave, or leave,
13 but I would imagine he would still be under sequestration for
14 the day.

15 **THE COURT:** Okay. So you're not releasing him. I
16 will give him the standard instruction given to witnesses whose
17 testimony is finished but have not yet been released.

18 **MR. NIETO:** Thank you, Your Honor.

19 **THE COURT:** Thank you, ██████████. You may step
20 down. You have not yet been formally excused as a witness, so
21 you may depart, you're not free to remain in the courtroom.
22 Thank you.

23 Next witness.

24 **MS. HAGAN:** Your Honor, the next witness is Angela
25 Johnson.

1 **THE COURT:** Angela Johnson.

2 **MS. MCGUINN:** Your Honor, may I have the Court's
3 indulgence for one moment?

4 **THE COURT:** Yes.

5 Please come forward, ma'am. All the way up here to our
6 witness box. Once you arrive there, stop, turn to your left,
7 raise your right hand, and look at our clerk.

8 (Witness sworn.)

9 **THE CLERK:** Thank you, ma'am. You may be seated in
10 the witness box. And, ma'am, speaking directly into that
11 microphone, could you please state and spell your first and
12 last name.

13 **THE WITNESS:** Angela Johnson,
14 A-N-G-E-L-A-J-O-H-N-S-O-N.

15 **THE COURT:** Your witness, ma'am.

16 **DIRECT EXAMINATION**

17 **BY MS. HAGAN:**

18 **Q.** Good afternoon, Ms. Johnson.

19 **A.** Good afternoon.

20 **Q.** Can you tell us how old are you?

21 **A.** I'm 58.

22 **Q.** And how are you currently employed?

23 **A.** I'm the director of human resources with Gilman School.

24 **Q.** How long have you been the director of human resources at
25 the Gilman School?

1 A. Twenty-one years.

2 Q. What are your responsibilities as the human resources
3 director?

4 A. I set policy. Do compliance.

5 Q. As part of your position as the human resources director,
6 are you familiar with the staff members at Gilman to include
7 the teachers?

8 A. I am.

9 Q. And do you know Christopher Bendann?

10 A. I do.

11 Q. How do you know him?

12 A. He was a teacher at Gilman School.

13 Q. Do you know when Mr. Bendann was hired at Gilman School?

14 A. He was hired in 2007.

15 Q. And when he was hired in 2007, what was his position?

16 A. He was a fellow.

17 Q. Can you explain what a fellow is at Gilman?

18 A. Yes. We hire fellows to assist teachers so they learn how
19 to conduct a classroom.

20 Q. And for how long was he a fellow at Gilman?

21 A. Two years.

22 Q. And what happened at the conclusion of those two years
23 with Mr. Bendann as a fellow?

24 A. He was hired as a full-time teacher in middle school.

25 Q. In middle school?

1 A. Yes.

2 Q. And for a particular grade?

3 A. That I don't know.

4 Q. Okay. And middle school at Gilman is covered by sixth
5 through eighth; is that right?

6 A. It is.

7 Q. And so is it correct that he was hired as a full-time
8 teacher for the academic year 2009 to 2010?

9 A. Yes.

10 Q. In addition to being a full-time teacher, was Mr. Bendann
11 also an advisor?

12 A. Yes, he was.

13 Q. Ms. Johnson, I'm going to direct your attention to Martin
14 Luther King Day in January of 2023. Actually, I'm going to ask
15 to bring up Government Exhibit 16.

16 January 16th, 2023. Ms. Johnson, did you participate in a
17 meeting with the head of school, Mr. Henry Smyth, and
18 Mr. Bendann on that date?

19 A. I did.

20 Q. What was the purpose of that meeting?

21 A. To inform Mr. Bendann that there had been an allegation
22 of --

23 Q. What action was taken based on the information that had
24 been reported?

25 A. That he was suspended.

1 Q. And was the purpose of that meeting to inform Mr. Bendann
2 that he was being placed on suspension?

3 A. It was.

4 Q. And was he told the nature of the allegation?

5 A. He was.

6 Q. And what was his reaction at that time?

7 A. His reaction was that he became upset and said that the
8 allegations were false.

9 Q. Do you recall whether or not at that meeting he advised
10 why he thought the allegation was being made or any motivation
11 was behind it?

12 A. I do. He said that he was -- that we were, sorry, he said
13 that it was because he was Asian.

14 Q. And during this meeting, was Mr. Bendann told who
15 initiated or complained? Who had prompted this allegation?

16 A. No.

17 Q. Did he ask who had done this?

18 A. He did.

19 Q. Now, I'm going to direct your attention to the Friday of
20 that same week, January 20th, 2023. By that time, had Gilman
21 concluded its investigation?

22 A. We had.

23 Q. And on that Friday, was there another meeting scheduled
24 with Mr. Bendann?

25 A. Yes.

1 Q. And was that meeting in person?

2 A. No, it was by Zoom.

3 Q. Who participated in that meeting?

4 A. Henry Smyth, Mr. Bendann, and myself.

5 Q. What was the purpose of this meeting over Zoom?

6 A. To terminate his employment.

7 Q. Was he notified that his employment was terminated over
8 this Zoom meeting?

9 A. Yes.

10 Q. How did he react?

11 A. Very upset.

12 Q. Did he say anything?

13 A. He said that he hadn't done the things that he was accused
14 of and that, again, he was being persecuted for being Asian.

15 Q. Did he say anything with respect to the naked running?
16 Had that been discussed during the meeting?

17 A. Yes, he said he did not do any of that.

18 Q. Did he say anything whether he knew anything about naked
19 running?

20 A. No, he said he didn't know anything about that.

21 Q. Ms. Johnson, you described Mr. Bendann as being upset.
22 Can you be more specific?

23 A. He appeared to cry.

24 Q. And why do you say "he appeared to cry"?

25 A. Because no tears fell.

1 MS. HAGAN: Nothing further, Your Honor.

2 THE COURT: Cross-examination.

3 MR. PROCTOR: Thank you, sir.

4 CROSS-EXAMINATION

5 BY MR. PROCTOR:

6 Q. Good afternoon.

7 A. Hello.

8 Q. Remind me again, how long have you worked at Gilman?

9 A. I've worked there for 22 years.

10 Q. And of those 22 years, how long has [REDACTED] been your
11 boss?

12 A. Twenty-one of those 22 years.

13 Q. Now, you've been testifying today about what happened in
14 2023. Do you recall an investigation by T&M in 2020?

15 A. I do.

16 Q. And that was an investigation of sexual abuse at the
17 Gilman School, was it not?

18 MS. HAGAN: Objection.

19 MS. MCGUINN: Objection.

20 THE COURT: Whose witness it is?

21 MS. MCGUINN: I apologize, Your Honor. It's a habit.

22 THE COURT: Thank you. Private channel.

23 (Whereupon, the following conference was held at the
24 bench:)

25 MS. MCGUINN: I apologize, Your Honor.

1 **THE COURT:** First of all, what's T&M?

2 **MS. HAGAN:** I have the same question.

3 **MR. PROCTOR:** It's like outside -- they come in and
4 investigate allegations of sexual abuse.

5 **THE COURT:** And Gilman hired them for some purpose?

6 **MR. PROCTOR:** Because of prior sexual abuse by another
7 teacher, but I'm not going there. The reason it's relevant,
8 Your Honor, is by -- they interviewed student, staff, the
9 board, and they find in their press release no instances of
10 current sexual abuse.

11 **THE COURT:** What's the date of that press release?

12 **MR. PROCTOR:** 2020.

13 **THE COURT:** In 2020 they conducted an investigation
14 and found no instances?

15 **MR. PROCTOR:** Yes. And Mr. Bendann worked there in
16 2020. No current sexual abuse.

17 **THE COURT:** Okay. And what's the objection?

18 **MS. HAGAN:** Your Honor, first of all, I don't know
19 what -- I don't know the specifics of this T&M investigation.
20 I don't know this press release that defense counsel is
21 referring to. I don't know what specific time frame within
22 2020 this investigation took place. So I just don't know at
23 this point --

24 **THE COURT:** So I'm not sure you're entitled to know
25 because he's a defendant in a criminal case, and he doesn't

1 have to tell you what his strategy is. Is your objection that
2 you don't know what's coming or is your objection that the
3 evidence is not relevant?

4 **MS. HAGAN:** It's not relevant based on what he's
5 proffered.

6 **THE COURT:** Based on the proffer, I think it's
7 relevant. Mr. Proctor has proffered that during the relevant
8 time period there was an investigation that occurred at the
9 school searching for evidence of sexual abuse by teachers
10 against students and found no evidence of it.

11 Now, of course none of that this deals with the realities
12 that may be out there in the world, which is that sometimes
13 sexual abuse is covert and hard to discover. But nonetheless,
14 it sounds like it is what it is.

15 I mean, you don't have any reason to suggest that
16 Mr. Proctor's proffer that there was such an investigation is
17 untrue.

18 **MS. HAGAN:** No, but I don't know if this is an
19 investigation that was prompted by some other report.

20 **THE COURT:** Well, it sounds like --

21 **MS. HAGAN:** With other individuals.

22 **THE COURT:** Sounds like we're going to find out from
23 the witness. She is the head of HR.

24 **MR. PROCTOR:** Your Honor, correct. It was an
25 investigation into a former Gilman teacher, but I don't want to

1 go there.

2 **THE COURT:** Yeah, where do you want to go?

3 **MR. PROCTOR:** I want to go, they interviewed students,
4 staff, alumni, board, members of the community, and their
5 conclusion was they find no instances of current sexual abuse.

6 **THE COURT:** And your good faith basis for going down
7 this road is evidently some information that you have in your
8 hand.

9 **MR. PROCTOR:** Correct.

10 **THE COURT:** What is it?

11 **MR. PROCTOR:** It is a letter to the Gilman community
12 written by the headmaster and the president of the Boards of
13 Trustees that literally said they did those things and that was
14 their conclusion.

15 **THE COURT:** Overruled.

16 (Whereupon, the bench conference was concluded.)

17 **THE COURT:** The objection is overruled. You may
18 inquire, Mr. Proctor.

19 **BY MR. PROCTOR:**

20 **Q.** It's been a minute. Do you remember my question, ma'am?

21 **A.** No.

22 **THE COURT:** Restate the question.

23 **MR. PROCTOR:** Thank you.

24 **BY MR. PROCTOR:**

25 **Q.** In 2020, did an outside consultancy firm named T&M come to

1 the Gilman School?

2 A. Yes.

3 Q. And did they conduct an investigation into sexual abuse at
4 the Gilman School?

5 A. Yes.

6 Q. And as part of that, did they interview students?

7 A. I don't know.

8 Q. Did they interview staff?

9 A. Yes.

10 Q. Did they interview you?

11 A. No.

12 Q. Did they interview alumni?

13 A. I don't know.

14 Q. Did they interview the board members?

15 A. I don't know.

16 Q. What about members of the community?

17 A. I don't know.

18 Q. Following their investigation, did the head of school,
19 Mr. Smyth, send a letter to the Gilman community with their
20 findings?

21 A. He did.

22 Q. And in that findings, did he state that they find no
23 instances of current sexual abuse?

24 A. Yes.

25 Q. Now, that letter, if I told you it was dated January 21st,

1 2021, does it sound about right?

2 A. Okay.

3 Q. Does that sound correct?

4 A. Yes.

5 Q. January 21st of 2021, where was Mr. Bendann working?

6 A. He was working at Gilman School.

7 Q. Now, you stated when Mr. Bendann was terminated he denied
8 the accusations, right?

9 A. Correct.

10 Q. You also said he said more than once that he was being
11 persecuted for being Asian, words to that effect, did you not?

12 A. I did.

13 Q. Ballpark, how many teachers does Gilman have?

14 A. About 300.

15 Q. How many of them are Asian?

16 A. Five.

17 Q. Now, you also said he got upset and appeared to cry,
18 right?

19 A. Correct.

20 Q. You'd been there 20 years, if you had been terminated how
21 would you feel?

22 A. I would be upset.

23 MR. PROCTOR: Can I have a second, please, Judge?

24 THE COURT: Yep.

25 (Counsel conferring.)

1 MR. PROCTOR: That's all I got.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MS. HAGAN:

5 Q. Ms. Johnson, as a result or during this investigation did
6 I understand you correctly that you indicated you do not know
7 whether or not students were interviewed as part of this
8 investigation?

9 A. Correct.

10 Q. And that would be the current students at the time of that
11 investigation?

12 A. Yes.

13 Q. And in January of 2021, to your knowledge, was [REDACTED]
14 [REDACTED] still a student at Gilman?

15 A. Yes.

16 Q. In January of 2021? [REDACTED] [REDACTED]?

17 A. I'm not sure how old he is.

18 Q. And do you know whether or not as part of that
19 investigation, whether or not teachers at the time were
20 interviewed?

21 A. Teachers were interviewed.

22 Q. And would that have included Mr. Bendann?

23 A. I assume so.

24 Q. Other than that, you were not aware of who all was
25 interviewed --

1 A. No, I was not.

2 Q. -- as part of that investigation?

3 A. No.

4 MS. HAGAN: Court's indulgence. Nothing further, Your
5 Honor.

6 THE COURT: May the witness be excused, Ms. Hagan?

7 MS. HAGAN: Yes.

8 THE COURT: Mr. Proctor?

9 MR. PROCTOR: Yes, sir.

10 THE COURT: Ma'am, you're excused, and you may depart.

11 MS. MCGUINN: The Government would next call Henry
12 Smyth.

13 THE COURT: Henry Smyth.

14 MS. MCGUINN: Your Honor, I'm looking at the time,
15 would this be the last witness for today? We have one or two
16 here I just want to let them know.

17 THE COURT: How long do you think Mr. Smyth would be
18 on direct?

19 MS. MCGUINN: Probably 10 or 15 minutes and then
20 cross.

21 THE COURT: I think that'll probably be the end of the
22 day and you can release your other witnesses.

23 MS. MCGUINN: Thank you, Your Honor.

24 THE COURT: Yes. Sir, please come forward all the way
25 up here to this witness box. Once you stop, pivot to your

1 left, face our clerk, raise your right hand.

2 (Witness sworn.)

3 THE CLERK: Thank you, sir. You may be seated in the
4 witness box. And for the record, sir, speaking directing into
5 that microphone, can you please state and spell your first and
6 last name.

7 THE WITNESS: Henry Smyth, H-E-N-R-Y-S-M-Y-T-H.

8 THE CLERK: Thank you.

9 THE COURT: Your witness, ma'am.

10 MS. MCGUINN: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MS. MCGUINN:

13 Q. Good afternoon, Mr. Smyth. Mr. Smyth, what is your work
14 address?

15 A. 5407 Roland Avenue, Baltimore 21210.

16 Q. And what does that address --

17 A. That's the Gilman School.

18 Q. How are you employed at Gilman?

19 A. I'm the head of school.

20 Q. Is the older term for that called a headmaster?

21 A. Yes, when I was hired, I was hired as a headmaster and
22 then the title changed three years ago to head of school.

23 Q. Is head of school kind of similar to being a principal?

24 A. Yes.

25 Q. When did you begin at Gilman?

1 A. 2010, summer of 2010. So July 1 I think was my start
2 date.

3 Q. And what role did you start with in 2010?

4 A. So I was the assistant headmaster for three years and
5 became head in 2013, summer of 2013.

6 Q. So you've been the head of schools for just about 11 years
7 now?

8 A. Correct.

9 Q. Can I get a little bit on your background. Have you had
10 prior administrative jobs in the school systems?

11 A. I have. I worked in a school in Washington, D.C. before
12 moving to Baltimore. I was the head of upper school, which at
13 that school was fourth through eighth grade so nursery through
14 eighth grade.

15 Before that I was in a school in California, and I taught
16 and coached and was a grade-level dean and did admissions work
17 before that a couple of other independent schools.

18 Q. How long have you been in education?

19 A. Thirty-two years. Since college I guess.

20 Q. Where did you go to college?

21 A. Went to Princeton.

22 Q. Do you have any degrees after Princeton?

23 A. I have a master, an MA in education.

24 Q. Where from?

25 A. From Stanford.

1 Q. Can you tell me a little bit about the layout of Gilman?
2 You mentioned these terms: Upper School, Lower School. Does
3 Gilman have divisions?

4 A. It does. It's a pre-K to 12 day school. Pre-K being four
5 year olds. We're divided in three divisions: Lower school is
6 pre-K through fifth grade, middle school is sixth through
7 eighth, and then upper school is nine through 12.

8 Q. And the existence of a pre-K and K, is that somewhat new
9 for Gilman?

10 A. It is. Kindergarten is about 15, 16 years old, 15 years
11 old, I think. And then pre-K is probably four years old.

12 Q. Does each of those divisions, lower, middle, and upper
13 school have a point of contact or a principal of each division?

14 A. There is. So we call them division heads. There's a head
15 of lower school, a head of middle school, and a head of upper
16 school.

17 Q. Where is your office located on campus?

18 A. My office is in the main building which is called Carey
19 Hall which houses some senior administrative offices and a lot
20 of the upper school classes and offices.

21 Q. Do you know the ████████ family?

22 A. I do.

23 Q. And, specifically, let's start with ████████████████. Do you
24 know him?

25 A. I do.

1 Q. How do you know him?

2 A. We worked closely together. He's the short-term CFO at
3 Gilman, and so I worked with him now since, you know, since I
4 started.

5 Q. And what about ██████████, did you ever work with her?

6 A. I did. She originally came on -- I can't remember the
7 year -- she came on as an admissions officer within the school.
8 And then she became, when I was head, she became the director
9 of enrollment which was a new position.

10 Q. Other than knowing them due to their jobs at Gilman with
11 you, do you know them socially?

12 A. Yeah.

13 Q. How do you describe knowing them socially?

14 A. So when we moved to Baltimore, they were neighbors with
15 some of the very few people that we knew, old friends, so we
16 got to know them a little bit outside of school early on.

17 Q. And you saw Ms. Johnson, she's your head of HR?

18 A. Yes, yes.

19 Q. Does Gilman have a board of trustees?

20 A. It does.

21 Q. And what is that board comprised of?

22 A. So the board is 40 or so people who, at this point, are
23 all in one way or the other connected to the school. It's
24 mostly current parents and alumni. Some of which fit both of
25 those, alums who are also current parents.

1 Q. Okay. What is your role in relation to the board of
2 trustees?

3 A. So the board of trustees is ultimately the overseer of the
4 school. And I'm the sole employee of the board of trustees.
5 And then I work -- everybody else works for Gilman. I'm
6 employed by the board, if that makes sense.

7 Q. So, I think so. You work at the leisure of the board?

8 A. I do.

9 Q. If they're not happy, you're out?

10 A. I serve at the pleasure of the board, yes.

11 Q. And other employees, like teachers, that's a different
12 process altogether?

13 A. Correct. They're employed by the school. So,
14 effectively, as the head of the school I'm ultimately in charge
15 of hiring and retention and termination of faculty.

16 Q. And do you know Christopher Bendann?

17 A. I do.

18 Q. And when you began working at Gilman in 2010, was he
19 already there?

20 A. Yes.

21 Q. And what was his job?

22 A. He was a middle school social studies teacher, advisor.
23 And I think he was coaching at that point, too. Most middle
24 school teachers do, so . . .

25 Q. Can you explain to me what is an advisor in terms of how

1 Gilman sees that role?

2 A. Sure. So in middle school a group of call it eight to 12
3 or so boys are in what's called an advisory. And it's across
4 grade level so there are boys in sixth, seventh, and eighth
5 grade in a group with a faculty member who serves as their
6 advisor, which is essentially the point person between home and
7 school.

8 The advisory groups meet about once a week -- actually
9 probably twice a week, and the advisor helps to keep tabs on
10 the academic and social, emotional well-being of the students,
11 in our case the boys, in his or her advisory.

12 Q. Did you have a working relationship with the Defendant?

13 A. Yes.

14 Q. What about socially? What I mean by social here, outside
15 of the Gilman walls?

16 A. Not outside of Gilman, no.

17 Q. Prior to 2023, what was your view of the Defendant's
18 popularity as a teacher at Gilman?

19 A. He was very well liked.

20 Q. January of 2023, did you receive some information
21 regarding Christopher Bendann?

22 A. I did.

23 Q. Without telling what was said, who was the person you
24 spoke to to get that information?

25 A. I spoke to, at the time, a current parent.

1 Q. Okay. Based on that conversation, did you have a meeting
2 with the Defendant?

3 A. I did.

4 Q. If we can pull up Government's Exhibit 16, please?

5 Using this -- you recognize that to be a January 2023
6 calendar.

7 A. Yes.

8 Q. Using that as a reference point. When do you recall --
9 first, let's start with receiving information from a current
10 parent? Around what time did you receive that information?

11 A. It was Martin Luther King Day. It was probably late
12 morning between 10:00 and noon, I think.

13 Q. And as far as having a meeting, when did that occur?

14 A. With the Defendant?

15 Q. Yes.

16 A. Later that day so I couldn't tell you what time. Probably
17 late afternoon.

18 Q. And you said it was a day off, was he contacted and asked
19 to come in?

20 A. Yes.

21 Q. Where was that meeting held?

22 A. In my office.

23 Q. Who was present?

24 A. I was there with Angela Johnson, director of HR.

25 Q. And at that point when the meeting was starting or

1 undergoing, what decision had been made with regard to the
2 Defendant's employment as of January 16th of 2023?

3 A. So at that meeting we told the Defendant that he would be
4 placed on leave while we looked into the matter more.

5 Q. Did you explain the reason for him being placed on leave?

6 A. I did.

7 Q. What was his reaction?

8 A. Paraphrasing. Disbelief. Didn't understand why people
9 would make those kinds of accusations about him.

10 Q. Did he say anything about racial bias?

11 A. I don't recall. He might have, but I don't recall.

12 Q. Based on what was reported to you after that January 16th
13 day, did you undergo an investigation at your school?

14 A. Yes.

15 Q. By the end of that week, had you met with and communicated
16 with other members of the Gilman community?

17 A. Yes.

18 Q. Can you say, generally, who had you met with in terms of
19 the Gilman School?

20 A. Sure. So I spoke to some other -- I spoke more to the
21 personal I had talked to on the 16th and a couple of other
22 families and students that we thought might have had more
23 information to share with us that could shed light on what we
24 were dealing with.

25 Q. Okay. Based on what was reported to you, did you consult

1 with the board of trustees or anyone else regarding the
2 Defendant's status as a teacher?

3 A. I did. I consulted, well, with Ms. Johnson, we talked
4 about that earlier. I consulted with the board, primarily
5 through the board president, and then also with lawyers.

6 Q. When you say lawyers, is that specific -- any specific
7 lawyers?

8 A. Jeff Genth who works with the school.

9 Q. What had been decided in terms of the Defendant's position
10 at the school on Friday the 20th?

11 A. On Friday, the 20th, we had determined that his employment
12 would be terminated.

13 Q. Was the Defendant informed of that?

14 A. Yes, on the 20th.

15 Q. How did that occur?

16 A. By Zoom.

17 Q. Who was present on that Zoom call?

18 A. The Defendant, Angela Johnson and I were present.

19 Q. Who led that discussion or who led that meeting?

20 A. I did.

21 Q. Did you inform the Defendant of his termination?

22 A. I did, yes.

23 Q. What was his reaction or what did say if you recall?

24 A. Similar to the 16th. Disbelief. There were some tears.

25 Didn't understand why people would make those accusations.

1 Didn't understand why I would believe them.

2 Q. Did he ever ask you the names of who had made these types
3 of allegations?

4 A. Yes.

5 Q. Did you tell him who?

6 A. No, I did not.

7 Q. What determination was made in terms of the Defendant
8 being allowed to continue to access Gilman property?

9 A. That he would not be allowed to access Gilman property.

10 Q. In terms of the allegation after that meeting, did you
11 contact anyone outside of Gilman?

12 A. Yes. We notified Child Protective Services and that was
13 done through our, Jeff Genth, our lawyer --

14 Q. Okay.

15 A. -- who made the call to Child Protective Services and as I
16 understand followed up with the required paperwork.

17 Q. Are you what's called a mandatory reporter?

18 A. We are.

19 Q. And for ladies and gentlemen of the jury who may not know
20 what that means, can you tell us what is a mandatory reporter?

21 A. Sure. So as a school, an institution that works directly
22 with children, we are legally obligated to report any suspected
23 abuse or neglect to the appropriate authorities depending on
24 where that neglect or abuse might have take place. So county
25 or city, typically.

1 Q. In January of 2023, was your understanding of the
2 allegation including naked laps?

3 A. Yes.

4 Q. Did there come a time where you learned that these
5 allegations involved [REDACTED]?

6 A. There was a time and point.

7 Q. Relative to January 20th, when did you learn that [REDACTED]
8 [REDACTED] and exploitation was involved?

9 A. So I had learned -- at some point that week his name had
10 come up as somebody who might have done a lap without clothes
11 on.

12 Q. Okay. In February, did you understand or know any more
13 serious allegations involving [REDACTED]?

14 A. I did not.

15 Q. Okay. Did there come a time when you did learn more
16 serious allegations that involved [REDACTED]?

17 A. Yes.

18 Q. How long, relative to January 20th, afterwards did you
19 know that information?

20 A. Give me a second on this. So we learned about the more
21 serious allegations generally I guess a couple of weeks after
22 when the Defendant was arrested and it was reported in the
23 news. And I didn't, at that point, did not know who the victim
24 number one as it was reported in the news was. It was probably
25 a couple -- at least a month, if not a couple of months before

1 I learned it.

2 Q. Is it fair to say you never had a conversation with [REDACTED]
3 [REDACTED] about these very serious allegations, these
4 more serious allegations in January or February of 2023?

5 A. Correct. I had only talked to [REDACTED] about the allegation
6 that [REDACTED] had run around without his clothes on.

7 Q. And lastly, Mr. Smyth, can you describe briefly how have
8 these allegations affected your ability to do your job at
9 Gilman?

10 A. Well, it's been really hard. The school was wrecked by
11 this, the community, our school community --

12 MR. NIETO: Objection, Your Honor, to this, the
13 relevance.

14 THE COURT: Fair enough. Let's sort that out.
15 Private channel.

16 (Whereupon, the following conference was held at the
17 bench:)

18 THE COURT: Relevance.

19 MS. MCGUINN: Your Honor, the allegations or, excuse
20 me, the implication was made in opening that Gilman is just
21 rallying around this victim in some sort of way to get back at
22 Bendann who was on the outside. I think it's fair to say or
23 fair questioning that obviously Mr. Smyth was very troubled by
24 this in his ability to do his job. This was not,
25 quote/unquote, "fun." This was not some allegation that was

1 **MR. NIETO:** Thank you.

2 **CROSS-EXAMINATION**

3 **BY MR. NIETO:**

4 **Q.** Mr. Smyth, you are the head of school at Gilman, correct?

5 **A.** Correct.

6 **Q.** And I think you indicated it was only in the last three
7 years that title name has changed?

8 **A.** Correct.

9 **Q.** Used to be headmaster?

10 **A.** Correct.

11 **Q.** And, as time has gone on, obviously the implication behind
12 the use of the word "master" has some negative historical
13 connotations; is that fair to say?

14 **A.** I think so. Yep.

15 **Q.** That's the reason for the name change; isn't it?

16 **A.** I gave -- when we discussed the name change with the Board
17 of Trustees, there were two primary reasons that I gave that
18 made sense for the title to be changed. One of them was the
19 association with plantation slavery and the other was the fact
20 that I don't teach anymore. Master is also a reference to
21 teacher. I'm more of a CEO than a head teacher.

22 **Q.** All right. Obviously, it is important as the head of
23 school that Gilman be inclusive and accepting; isn't it?

24 **A.** Yes.

25 **Q.** In fact, on your website it first says, "The pursuit of

1 excellence starts here."

2 Is that your understanding?

3 A. Yes.

4 Q. And they have a section specifically listed as "fostering
5 an inclusion community," right?

6 A. Correct.

7 Q. And there's a specific program at Gilman, a fairly recent
8 development, known as CIE or Community, Inclusion, and Equity;
9 is that correct, sir?

10 A. That's correct.

11 Q. Sorry?

12 A. That's -- that's our terminology for what's often called
13 DEI work.

14 Q. Sure. And of course these aren't just buzz words that you
15 put on your website to make the school seem more diverse or
16 inclusive, right?

17 A. Correct.

18 Q. Right. This is an ethos that you preach and teach at this
19 school?

20 A. Correct.

21 Q. It's one of inclusion and acceptance?

22 A. Yes.

23 Q. And of course being at an all boys school there can --
24 well, not even necessarily an all-boys school -- but an
25 all-boys school can pose some challenges towards CIE; is that

1 fair?

2 MS. MCGUINN: Objection.

3 THE COURT: Vague. Sustained.

4 BY MR. NIETO:

5 Q. Sir, during your employ at Gilman, have you heard Gilman
6 students use racial epithets?

7 MS. MCGUINN: Objection.

8 THE COURT: Overruled.

9 THE WITNESS: Sorry?

10 THE COURT: You may answer.

11 THE WITNESS: Yeah, thanks.

12 I don't know if I've heard students say them. But I've
13 heard of students saying them, if that distinction makes sense.

14 BY MR. NIETO:

15 Q. Forgive me, sir. Do you recall a midday faculty meeting,
16 maybe in 2018 or 2019, in which a member of the Gilman faculty
17 or administration was relating a story regarding a student that
18 had used the N word?

19 MS. MCGUINN: Objection.

20 THE COURT: Overruled.

21 BY MR. NIETO:

22 Q. Do you remember that, sir?

23 A. 2019?

24 Q. Ballpark?

25 A. I think so, yeah.

1 Q. And in fact the teacher or the administrator, in the
2 process of telling the story, used the N word with the hard R
3 as part of that story. Do you remember this?

4 A. I don't remember that.

5 Q. Do you remember that administrator or faculty member
6 having to come back later to then apologize to members of the
7 faculty for using that language?

8 A. Yes. Sorry, now I do remember. That was me.

9 Q. That was you?

10 A. Yes.

11 Q. Now, Gilman is pre-K to 12th grade correct, sir?

12 A. Correct.

13 Q. All right. Now, pre-K is for children at the age of four?

14 A. Correct.

15 Q. All right. Now, the pre-K tuition to attend the Gilman
16 School, do you know how much that is?

17 MS. MCGUINN: Objection.

18 THE COURT: Sustained. Next question.

19 BY MR. NIETO:

20 Q. There is a tuition that is required to be paid in order to
21 attend the pre-K classes at Gilman, right.

22 A. Correct, yes.

23 Q. And, of course, that can also help families with their
24 children if they get into pre-K and kindergarten, that may help
25 pave the way for them to get into lower and upper schools; is

1 that true?

2 A. No. Once they're in prekindergarten they don't reapply
3 for the school. So that's an entry point for the school.

4 Q. All right. Okay. So, again, this is -- you're proud of
5 working at Gilman, right?

6 A. Yes.

7 Q. It's a wonderful institute of education?

8 A. Yes --

9 Q. Right. And so --

10 A. -- I think so.

11 Q. And so people aspire to go there, don't they?

12 A. Some do.

13 Q. And so, I mean, you don't accept every applicant, right?

14 A. Correct. And not everybody applies either. So not
15 everybody aspires to attend.

16 Q. Of course, sir. But I'm saying, you're not running short
17 of students at your school, are you?

18 A. We are not, correct.

19 Q. You can be selective?

20 A. Correct.

21 Q. Maybe exclusive if you so desire?

22 A. If that's selective.

23 Q. Yes. I mean, you know, people in middle school or people
24 in high school that want to go to the school, if you've been a
25 member of the Gilman community since the age of 4, you're

1 already in, right?

2 A. Right. Unless you fail out or get kicked out or whatever
3 it might be.

4 Q. Now, I'd like to draw your attention to Exhibit 13. This
5 is -- this is the Gilman School; is it not?

6 A. Yes.

7 Q. All right. This is a large campus; is that fair to say?

8 A. Yes, about 55 acres, I think.

9 Q. 55 acres in the city?

10 A. Yes.

11 Q. And so there's three schools here?

12 A. Three. We call them divisions. Lower, middle, and upper.
13 Lower School, middle school, and upper school.

14 Q. All right. An athletic center?

15 A. Yes.

16 Q. A pool?

17 A. Yes.

18 Q. A gym?

19 A. Yes.

20 Q. A stadium?

21 A. Yes.

22 Q. Multiple athletic fields?

23 A. Yes.

24 Q. Employee housing as well?

25 A. Correct.

1 Q. And there's tennis courts?

2 A. Yes.

3 Q. I think you had said -- I don't want to put words in your
4 mouth -- at your school you have lawyers, right, on retainer?

5 A. Yes.

6 Q. And I understand, sir, that you're not currently teaching
7 but as the head of school, right, one of the things that the
8 teachers are instructed to do is to teach students to report
9 wrongdoing, right?

10 A. Yes.

11 Q. General counsel or advice about violence, right? See
12 something, say something? That sort of stuff?

13 A. Yes.

14 Q. And the school helps provide guidance and counsel to
15 encourage students to speak up if something is wrong?

16 A. Yes.

17 Q. And of course, the Gilman School, one of its attributes is
18 its network; is that fair?

19 A. Yeah, I think so.

20 Q. I mean, there are many Gilman graduates that have ascended
21 to impressive positions professionally in the state of Maryland
22 and elsewhere, right?

23 A. True, yeah. I think that's fair.

24 Q. That's fair to say, right?

25 A. Yeah.

1 Q. Right. Sure. And of course you have these career
2 networking events with alumni and students to sort of help move
3 them forward, right?

4 A. Yes.

5 Q. And of course attending this school is not free, is it?

6 A. Correct.

7 Q. Now, you do have financial aid, right?

8 A. Yes.

9 Q. But it's still -- its for-profit high school? Sorry,
10 for-profit school?

11 A. We're not a for-profit school, no. We charge tuition but
12 we're not a for-profit school.

13 Q. All right. But the tuition obviously has to be able to
14 support 55 acres of campus as well as, what, 300 teachers'
15 salaries?

16 A. Fewer than that, 250, but yes.

17 Q. 250, all right. And of course when families invest into
18 their sons' futures through the Gilman School there are certain
19 expectations that can go along with that, right?

20 A. Sure. Yes.

21 Q. Families can be demanding?

22 A. Yes.

23 Q. Yeah, absolutely.

24 Thank you so much.

25 **MR. NIETO:** Nothing further, Your Honor.

1 **THE COURT:** No editorial comments, please, Counsel.
2 Thank you.

3 Redirect?

4 **MS. MCGUINN:** Thank you.

5 **REDIRECT EXAMINATION**

6 **BY MS. MCGUINN:**

7 **Q.** Mr. Smyth, in addition to your students being taught to if
8 you see something say something, are your teachers held to that
9 same standard?

10 **A.** Yes.

11 **Q.** And if your teachers saw students who were under age
12 drinking, would you expect them to report that?

13 **A.** I would.

14 **Q.** Would you expect your teachers to take children while they
15 were drunk to run naked in a park?

16 **A.** No, I would not.

17 **Q.** Would you expect your teachers to pick up underaged
18 students from your school at parties when they were drunk to
19 give them a ride home subverting their parents' attention?

20 **A.** Not -- no. I would not.

21 **MS. MCGUINN:** I have no other questions, Your Honor.

22 **THE COURT:** May the witness be excused?

23 **MS. MCGUINN:** Yes, Your Honor.

24 **THE COURT:** May he be excused?

25 **MR. NIETO:** Yes, Your Honor.

THE COURT: Sir, you are excused and you may depart.

THE WITNESS: Thank you.

THE COURT: Ladies and gentlemen, we have come to the end of the court day and also we have come to the end of the court week. In a few minutes I will dismiss you to return on Monday to resume your role as jurors. You have now heard some of the evidence presented during this trial, but obviously there's still a great distance to travel and much more information to be presented to you which you have not yet heard.

So the important point is that you realize where you are in this process. That you do not have all of the information, data, and evidence that's going to be presented to you. That you have an obligation to keep an open mind and not reach any conclusions about anything at this point because this process is not complete. It's far from complete. You have a weekend ahead of you.

So my advice to you is, you've all been paying very close attention today, I've watched each and every one of you, I know what importance you are giving this, but now it's time to give it a break. And don't dwell on this or focus to any great extent on it. To the extent it comes in your mind, remind yourself that you've got a long way to go and a lot of additional information to take on board before you're in any position to start to form any conclusions about anything in

1 this case. So give yourselves a break. You're going to go off
2 duty in a few minutes. Spend your weekend doing something
3 hopefully that brings you some rest and relaxation and get
4 plenty of sleep. And then come back here on Monday, and we
5 will continue on with the trial process.

6 While you're on this recess until Monday morning, do not
7 discuss the case with anyone, do not discuss it with your
8 fellow jurors, do not discuss it with any of your friends or
9 family. Remember, to the extent that someone asks you about
10 your jury service, you may only tell them that you are serving
11 on a jury in federal court, that you're serving in a criminal
12 case, that the trial is expected to last about two weeks, that
13 you've been instructed by the judge that you're not allowed to
14 talk to them about the case. And that you would be happy to
15 speak with them once the trial has been completed. If that's
16 true, it's up to you then. You can continue to not talk to
17 anyone about this if that's your choice. It's just that you
18 won't be under any restriction from me once the trial has
19 ended.

20 Do not allow yourselves to be exposed to any news articles
21 or reports or social media or news sites or apps or anything
22 that might touch upon this case or the issues it presents or
23 the participants in the trial. Avoid all contact of any kind
24 with any of the participants in the trial.

25 Do not make any independent investigation of the law or

1 the facts relevant to this case. Do not conduct internet
2 searches with respect to the issues presented and the persons
3 participating in the trial. Do not consult external sources
4 such as an encyclopedia or dictionary in reference to the
5 issues and terms that have been presented to you here.

6 Now, please return promptly on Monday morning. Once
7 again, we will plan to resume at 9:30. My advice from last
8 night still holds, aim to get here about 9:15 or so, maybe
9 parking the car by 9:00, 9:05 so that you have plenty of time
10 to get up here. And then you gather once again in the jury
11 room. I think you've all got that sorted out.

12 You are excused until 9:30 on Monday morning. Please take
13 the jury out.

14 (Jury exits at 5:17 p.m.)

15 **THE COURT:** Be seated, please. Okay. Counsel for the
16 Government, who's up next?

17 **MS. MCGUINN:** Your Honor, we believe Monday morning we
18 will be calling Stacy Halpert, Christopher Feiss, Jack Stuzin,
19 Tyler Witherspoon, DeAnna Komber. Certainly depending how the
20 day is looking, we believe we can call late morning/afternoon,
21 Detective Shannon Markel of the Baltimore County Police, Agent
22 Eric Oberly, who is the Government's digital forensics expert,
23 and Agent Calista Walker.

24 The defense has agreed we're doing it in parts. She's
25 doing part one as to the sexual exploitation. We'll do other

1 witnesses and then she'll address the cyberstalking portion of
2 the case.

3 **THE COURT:** Okay. So the lay witnesses that you
4 ticked off right at the start, it sounds like you expect them
5 to be relatively short witnesses?

6 **MS. MCGUINN:** From the Government's perspective, yes.
7 So we will have all of them ready to go. And then Detective
8 Markel and Agent Oberly and Agent Walker we expect to be a
9 little bit more lengthy. And then we will have one or two
10 others ready if for some reason we finish with all of those
11 people Monday.

12 **THE COURT:** Well, that would be impressive if you were
13 able to accomplish that.

14 **MS. MCGUINN:** We'll dance as fast as we can.

15 **THE COURT:** That's a lot of witnesses but thank you
16 for that disclosure.

17 Are there any issues to be addressed before we adjourn for
18 the weekend from the Government?

19 **MS. MCGUINN:** Not from the Government, Your Honor.

20 **THE COURT:** Thank you. From the defense?

21 **MR. PROCTOR:** Your Honor, I anticipate filing a
22 motion, I'd hoped to do today. I have witnesses coming up over
23 the weekend, just to alert you. I suspect it'll be filed by --
24 there are two exhibits the Government plans to introduce that
25 we don't think, at least in their current format, are

1 admissible. So I'll get that filed. I just wanted to alert
2 you it's coming.

3 **THE COURT:** And through which witnesses might these
4 exhibits be -- may the admission be attempt?

5 **MR. PROCTOR:** If you give me a second, Judge. I know
6 they're Exhibits 94 and 95. So if we look at -- Markel,
7 Officer Markel.

8 **THE COURT:** What is 94? And what is 95?

9 **MR. PROCTOR:** It's called a Certificate in Support of
10 Authenticity of Business Records and Other Evidence. And, you
11 know, if the report said -- if the exhibit merely said, we
12 plugged the device into Cellebrite and we got something on it
13 that would be fine. But it starts off saying things like, I've
14 been investigated and trained to investigate physical child
15 abuse, missing and runaway children. What that's got to do
16 with plugging a device into Cellebrite, I don't know.

17 So our position is that exhibit is not admissible. I know
18 you're not going to want to take it up with a jury sitting
19 there so I was going to flag it with a motion.

20 **THE COURT:** Sounds like it's something that can be
21 cleaned up. If it's just a certificate that's going to assist
22 in self-authentication, is that it?

23 **MS. HAGAN:** Yes, Your Honor. For both of the victims'
24 devices.

25 **THE COURT:** So meet with counsel --

1 **MS. HAGAN:** Yes.

2 **THE COURT:** -- after I leave the bench here. Look at
3 the exhibit. See what's drawing the exhibit. See if the
4 exhibit can be modified by agreement down to the bare
5 essentials necessary to serve its purpose, which is to be a
6 springboard for any -- I take it for an exhibit or data that
7 under the rules in the Government's view doesn't require the
8 presence of a live witness.

9 **MS. HAGAN:** Very well, Your Honor, yes.

10 **THE COURT:** Is that what this is?

11 **MS. HAGAN:** Yes. They are both from the Baltimore
12 County police detective who did the extractions for both of
13 [] [] [] [] [] [] [] [] [] [] devices.

14 **THE COURT:** All right. Well, it sounds like
15 Mr. Proctor is going to be ready to agree that the certificate
16 is still functional even if it does not include indicia of the
17 skills and qualifications of the Cellebrite inserter.

18 **MR. PROCTOR:** That's correct, Judge.

19 **THE COURT:** Just, I did it, my name is so and so, I
20 took this device, I applied this application, and here's the
21 result of my doing that.

22 **MR. PROCTOR:** That would be perfectly acceptable. If
23 the Government wants to write up a stipulation if that's easier
24 we'll so stipulate.

25 **THE COURT:** Okay. So it could be the subject of a

1 stipulation. But to the extent that we're smoking this out,
2 we're not going to then hear a defense objection that we've got
3 an inadequate certificate or lack of foundation because we
4 don't know anything about the qualifications of the person who
5 ran the test.

6 **MR. PROCTOR:** Correct. And no part of our argument is
7 going to be, well, how do we know that was the victim's cell
8 phone.

9 **THE COURT:** You just don't want gratuitous
10 qualifications thrown in for a person who's not here.

11 **MR. PROCTOR:** It's our position that what they've done
12 for the last 16 years of the career have no moment to the
13 evidence extracted.

14 **THE COURT:** On the surface, sounds like we don't have
15 a problem.

16 **MS. HAGAN:** Correct, Your Honor. We can certainly
17 type up a stipulation that they're willing to agree to. We
18 were previously advised that they would not be stipulating to
19 anything but we can certainly --

20 **THE COURT:** You're ready to stipulate to the
21 admissibility of the data?

22 **MR. PROCTOR:** Especially now that the victim has
23 testified to it, yes, there will be no objection.

24 **THE COURT:** Okay. Thank you for raising that issue.
25 Sounds like we're going to have this one resolved in the next

1 ten minutes.

2 **MR. PROCTOR:** I'm sorry, Judge. I just realized I was
3 sitting down. I meant to stand up.

4 **THE COURT:** Do you have any other easy ones,
5 Mr. Proctor?

6 **MR. PROCTOR:** You'll be pleased to know I've got
7 nothing.

8 **THE COURT:** Okay. Thank you. The Defendant is
9 remanded to the custody of the marshal. Counsel are excused.
10 Court's adjourned for the day. We will resume this trial at
11 9:30 on Monday morning.

12 **THE CLERK:** All rise. This Honorable Court is now
13 adjourned.

14 (Court adjourned at 5:23 p.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 17th day of February 2025

Ronda J. Thomas

Ronda J. Thomas, RMR, CRR
Federal Official Reporter

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